

# Northern Area Planning Sub- Committee

Date: **Wednesday, 16th January, 2008**

---

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](mailto: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, RV Stockton, J Stone, JK Swinburne and PJ Watts

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 12th December, 2007.	1 - 10
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	11 - 14
5. <b>APPLICATIONS RECEIVED</b> 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.	
6. <b>DCNE2007/3286/F - ERECTION OF ONE DWELLING (REVISED PROPOSALS) ON SITE OF ROSE AND COMME COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR</b> For: Ms H Kent per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester. GL19 3BG  <b>Ward: Hope End</b>	15 - 20

- |     |  |         |
|-----|--|---------|
| 7.  | <b>DCNW2007/3633/F - CHANGE OF USE FROM AGRICULTURAL LAND TO 6 HOLIDAY LODGES (LODGE STYLE CARAVANS). PARK GATE FARM, LYONSHALL, HEREFORDSHIRE, HR5 3HY</b>  | 21 - 32 |
|     | For: B.J. Layton & Co, John Lambe Associates, Bryn Cynan Fawr, Pontllyfni, Caernarfon, Gwynedd LL54 5EE  |         |
|     | <b>Ward: Pembridge &amp; Lyonshall with Titley</b>   |         |
| 8.  | <b>DCNW2007/3721/F - RESIDENTIAL DEVELOPMENT COMPRISING OF 35 DWELLINGS WITH CAR PARKING, NEW ACCESS ROAD AND LANDSCAPING ON LAND ADJACENT TO THE BIRCHES, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NQ</b> | 33 - 46 |
|     | For: Taylor Wimpey & Jennings Estates Ltd per Drivers Jonas, Cornwall Court, 19 Cornwall Street, Birmingham, B3 2DY  |         |
|     | <b>Ward: Pembridge &amp; Lyonshall with Titley</b>   |         |
| 9.  | <b>DCNC2007/3520/F - ERECTION OF OFFICES AND DWELLINGS WITH ASSOCIATED DEMOLITIONS AND SITE WORKS. 40/42 WEST STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8ES</b>   | 47 - 58 |
|     | For: Mr M.A. Thomas per Cleobury Land Use Consultancy, 8 Talbot Square, Cleobury Mortimer, Kiddminster, DY14 8BQ   |         |
|     | <b>Ward: Leominster South</b>  |         |
| 10. | <b>DCNC2007/3391/F - PROPOSED SITE FOR 10 DWELLINGS AT FORMER ORPHANS PRESS SITE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT</b>   | 59 - 70 |
|     | For: Mrs M Ford per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE   |         |
|     | <b>Ward: Leominster South</b>  |         |
| 11. | <b>DCNC2007/3365/F - CHANGE OF USE OF PROPERTY TO HOUSE OF MULTIPLE OCCUPATION AT SHAW'S HOUSE, 18 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ</b>  | 71 - 74 |
|     | For: Mr J T W Lyon, 22 Old Forge, Whitbourne, Worcestershire, WR6 5SB  |         |
|     | <b>Ward: Bromyard</b>  |         |
| 12. | <b>DCNC2007/3420/F - PROPOSED 2 SINGLE STOREY EXTENSIONS (AMENDMENT TO PREVIOUS APPROVED APPLICATION NC2006/0428/F) AT ROWDEN MILL STATION, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS</b>                  | 75 - 80 |
|     | For: Mr & Mrs Wilkinson per RRA Architects, Packers House, 25 West Street, Hereford, HR4 OBX   |         |
|     | <b>Ward: Bringsty</b>  |         |

- |  |                 |
|--|-----------------|
| <p><b>13. DCNC2007/3460/O - SITE FOR PROPOSED VETERINARY CENTRE INCLUDING CAR PARKING AND LANDSCAPING. PLOT 15, LEOMINSTER ENTERPRISE PARK, LEOMINSTER, HEREFORDSHIRE</b></p> <p>For: Mr Praill Baart Harries Newall, 1 Wilderhope House, Pountney Gardens, Belle Vue, Shrewsbury SY3 7LG</p> <p><b>Ward: Leominster South</b></p>                                     | <p>81 - 86</p>  |
| <p><b>14. DCNC2007/3639/F - PROPOSED CONVERSION TO 3 BED DWELLING, LINLEY GREEN CHAPEL, LINLEY GREEN, NR BROMYARD, HEREFORDSHIRE</b></p> <p>For: Mr B. Lord, T J Preece &amp; Associates, 4 Lion Street, Kidderminster, Worcs DY10 1PT</p> <p><b>Ward: Bringsty</b></p>  | <p>87 - 94</p>  |
| <p><b>15. DCNC2007/3541/F - REDEVELOPMENT OF LAMBOURNES, RYELANDS ROAD COMPRISING 26 DWELLINGS (3 NO 1/BED FLATS. 9 NO 2/BED FLATS, 3 NO 2/BED HOUSES AND 11 NO 3/BED HOUSES. RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NZ</b></p> <p>For: Mr K Lambourne, JBD Architects, Mortimer House, Holmer Road, Hereford HR4 9TA</p> <p><b>Ward: Leominster South</b></p> | <p>95 - 108</p> |
| <p><b>16. DATES OF FUTURE MEETINGS</b></p> <p>13th February, 2008</p> <p>12th March, 2008</p> <p>9th April, 2008</p> <p>7th May, 2008</p>  |                 |



# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Please Note:**

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

### **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



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, 12th December, 2007 at 2.00 p.m.**

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

**Councillors:** JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, R Mills, A Seldon, RV Stockton, J Stone and PJ Watts

**In attendance:** Councillors

**119. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors LO Barnett, WLS Bowen, RBA Burke, ME Cooper, Brig P Jones, RJ Phillips and K Swinburne.

**120. DECLARATIONS OF INTEREST**

Councillor Declared a prejudicial interest Agenda item 10, Minute 115 and left the meeting for the duration of the item

**121. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 12th November, 2007 be approved as a correct record and signed by the Chairman, subject to the following:-

**Minute 111 - DCNE2007/2801/F - Orchard Business Park, Bromyard Road, Ledbury delete "The Senior Planning Officer said that the Officers had no objections to the silos remaining unpainted and that condition No 2 in the recommendation of the report could therefore be deleted. The Sub-Committee was agreeable to this" and replace it with "Consequently the Committee decided to delete the condition requiring the silos to be painted."**

**122. ITEM FOR INFORMATION - APPEALS**

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

**123. TREE PRESERVATION ORDER 536, COLWALL CRICKET GROUND, COLWALL**

The Senior Landscape Officer presented the report of the Head of Planning Services about the representations made in relation to the making of a provisional Tree Preservation Order upon trees in the grounds of Colwall Cricket Ground, Colwall. He outlined the events which had led to the making of the Order in July 2007 and gave an appraisal of the importance of the trees to the landscape and setting of the area.

In accordance with the criteria for public speaking, Mr Lloyd, an objector, spoke

against the application.

It was noted that Mr Lloyd had said that as the owner of the land he could assure that the trees would not be removed and that he felt that the Order could be used as a reason for the new pavilion to be delayed by those who were opposed to it. The Legal Practice Manager said that although this may be the intention of the current owner, the situation could change if the land was sold. The making of the Order would, however, ensure that the trees were protected. The Sub-Committee agreed with this view.

**RESOLVED**

**THAT the Tree Preservation Order at Colwall Cricket Ground, Colwall be confirmed.**

**124. DCNW2007/2652/F - PROPOSED FIRST FLOOR EXTENSION AT GREENFIELDS, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LH**

The Principle Planning Officer said that amended plans had been received from the applicant in response to concerns expressed by Members and that the new proposals would overcome the problem of overlooking of the adjoining property.

**RESOLVED**

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

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

**Informatives:**

**1 - N19 - Avoidance of doubt**

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

**125. DCNC2007/2604/F - CHANGE OF USE FROM WAREHOUSING/STORAGE TO DISTILLERY AND BIOFUELS PLANT. ERECTION OF TOWER ON BUILDING TO HOUSE DISTILLERY COLUMN. CLAD LEAN-TO AT NE SIDE OF BUILDING. NEW ACCESS ROAD AT ROSEMAUND FARM, ROSEMAUND DRIVE, PRESTON WYNNE, HEREFORDSHIRE. HR1 3PG**

The Principle Planning Officer said that the application was deferred for a site visit at the last meeting to enable Members to make an assessment of the proposal and, in particular, its impact on highway safety and the surrounding road network. He said that the applicants had submitted a further detailed statement prepared by a Planning Consultant which compared traffic movements on a monthly basis with the ADAS use of the site. He provided the Sub-Committee with the following updates which had been received:-

### OBJECTIONS

A detailed letter has been received from Felton and Preston Wynne Association. They comment that there has been limited public consultation and that the determination of the application is a 'done deal'.

They comment that the fact and figures provided by the applicant are inaccurate and misleading and that they have informed the Planning Department of this fact.

In this respect they advise that contact was made with ADAS who confirmed that the number of employees at the site is normally a maximum of 19 on any one day.

They also comment that hardly any HGV traffic is generated by ADAS and that there are one or two open days per year.

The number of people to be employed by the proposal is also questioned, noting that there is no mention of staff working in the bio fuel plant or running the farm. Mention is also made of the creation of a visitor centre and the traffic it would generate.

The letter then goes on to discuss the intent of the applicant to develop the site further in the future.

It then goes on to refer to the bio diesel plant and the fact that the comments in the agenda refer only to the distillery.

Finally the letter questions the reasoning for the proposed new access when there is no history of accidents along Rosemaund Drive.

A letter has also been received from Mr Westoby, Hollywell House, Church Lane Hampton Bishop. He also queries the accuracy of the numbers of employees currently employed by ADAS. He also comments that local landowners will not be willing to give up their land for the improvement of passing places as recommended by the Transportation Manager.

### SUPPORT

Herefordshire and Worcestershire Chamber of Commerce have written in support of the application noting that the business has strong sustainable principles at its core. It comments that the company is a leader in its field and that the proposal will contribute to the rural economy.

It does not consider that the objections relating to traffic movements are substantiated and notes that the applicant is agreeable to the conditions regarding highway improvements that have been recommended.

Correspondence has been received from Mr John Hodge, a current ADAS employee at the Rosemaund site he comments that whilst ADAS were farming on the site there was a consistent flow of traffic onto the site regarding the movement of sheep and cattle and also some deer, as well as deliveries of farm inputs. There were up to 400 finishing cattle on site at any one time with all cattle moved on and off site as there were no breeding stock on site. ADAS also had up to 700 breeding ewes on up to 4 or 5 off site areas, which were

regularly transported to and from the Rosemaund site to offsite grazing and were finishing around 1200 lambs per annum. In addition to this ADAS had a breeding herd of 100 hinds, with 100 deer finished annually. All internal stock movements were carried out using Landrovers and stock trailers, with all cattle sales and some sheep sales being carried out using lorries. My estimate is that we were carrying out somewhere in the region of 350 vehicle stock movements a year when we had these numbers of stock, along with the daily checking of stock on off site fields. We were also caring in somewhere in the region of 200 - 300 loads of grass silage and maize a year using tractors and trailers and around 60 loads of straw over the summer period.

Finally, the applicant has provided additional information about the amount of potato crop required by the distillation process and the amount capable of being grown on the land at Rosemaund. This is as follows:

Rosemaund has over 400 acres. We have to rotate crops and cannot grow year after year of potato, and so would plant every 4 years ie approx 100 acres of potatoes per year. At a yield of 15 tonnes per acre (which would vary year on year) this would give 1500 tonnes per year. As you know, our distillery is a small scale, artisan plant, employing up to 5 people so even when we reach our capacity I would only require roughly half that amount (16 tonnes per week to produce 3600 bottles of potato vodka, or 800 tonnes potatoes per year).

The view of the officers was that there was a discrepancy between the information about employee numbers provided by ADAS in the report and supplied to the objectors. The discrepancies had arisen from quoting historic and current employee numbers. ADAS involvement in the site was decreasing and this may have accounted for the variation. Nevertheless, the objectors figures of 19 employees would mean that the proposal would account for a 20% increase on the current situation. The case officer remained of the opinion that even at this level there was no justification to refuse the application. The objectors had commented about fact that figures did not include the bio fuel plant or the running of the farm but the case officer understood the bio fuel plant was included. Reference to the running of the farm was misleading because the lawful use of the land was agricultural and could continue without planning permission. It was also likely that the figures for the existing use of the site did not reflect this. The comments from Mr Hodge provided an insight into this. There was also the fact that Information from the applicant about cropping levels and the amount of potatoes required for the distillation process demonstrated that the proposal was capable of being served by the land without the importation of further crops. If this proposal was to be sited on an industrial estate, as suggested by many of the objectors, potatoes would then have to be moved by road on a regular basis. The implication of this would likely be more traffic movements by tractors hauling trailers than would arise from the application. Finally, the suggestion that the improvement of passing places would require third party landowners to give up their land was incorrect. Such improvements would have to take place within the limit of the public highway.

Councillor A Seldon one of the Local Ward Members thanked the applicants and locals for providing all of the additional information but expressed concerns about a complex industrial process within the heart of rural Herefordshire which was surrounded by a network of narrow rural roads. Serious reservations had been raised by the objectors about the ability of the road network to cope with large commercial vehicles and generally about highway safety along the C1118 and its junctions with the A417 and A465. He shared these concerns and was of the view that the application should therefore be refused. Councillor B Hunt, the other Local Ward Member supported this approach.

The Sub-Committee discussed the various aspects of the application including the cases put forward in support and against it. The Principle Planning Officer did not consider that there were sufficient grounds to refuse the application given the comparisons which could be made with an agricultural use and the favourable views of the transportation Manager. He suggested however that condition No. 9 attached to the approval could be altered slightly to require the applicants to undertake an appropriate highway survey and to implement any necessary improvements which were identified, prior to commencing operations. The Sub-Committee was agreeable to this approach.

**RESOLVED**

**That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to development commencing only after a full survey of the C1118 has been completed to identify the preferred location for improvement to passing places, the survey shall be submitted to, and approved in writing by, the Officers and the use hereby approved shall not be brought into use until the scheme has been constructed in accordance with the approved details; and subject to the following conditions:-**

**1 – A01 (Time limit for commencement )**

**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 - DO3 (Site observation – archaeology)**

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

**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 - H03 (Visibility splays)**

**Reason: In the interests of highway safety**

**7 - H05 (Access gates**

**Reason: In the interests of highway safety**

**8 - H06 (Vehicular access construction)**

**Reason: In the interests of highway safety**

- 9 - H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway

**Informatives**

- 1 – N03 - Adjoining property rights  
2 – HN01 - Mud on highway  
3 – HN05 - Works within the highway  
4 – HN10 - No drainage to the discharge onto highway  
5 – HN22 - Works adjoining highway  
6 – N15 - Reason(s) for the Grant of PP/LBC/CAC  
7 - N19 – Avoidance of doubt

**126. DCNC2007/3052/F - PROPOSED REDEVELOPMENT TO FORM RETAIL AND RESIDENTIAL UNITS AT BURGESS STREET GARAGE, BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE**

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

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

Reason: To safeguard the character and appearance of the Conservation Area

- 4 - C05 (Details of external joinery finishes )

Reason: To safeguard the character and appearance of the Conservation Area.

- 5 - E16 (Removal of permitted development rights )

Reason: In order that the local planning authority can consider the implications of any further development.



- 6 - E18 (No new windows in specified elevation )

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

- 7 - E19 (Obscure glazing to windows )

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

- 8 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 9 - F17 (Scheme of foul drainage disposal )

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

10. The scheme hereby approved shall be in lieu of the concurrent part of the scheme approved under application reference NC2005/3175/F, namely 4 office units, cottages 1, 2 & 3 and a maisonette, and shall otherwise be implemented in conjunction with the approved shop and two 2 bed flats of the same permission.

Reason: In order to define the terms of this permission.

Informative(s):

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

127. DCNE2007/3176/O - DEMOLITION OF EXISTING HOUSE AND OUT BUILDINGS AND SITE FOR FOUR DWELLINGS AND TWO GARAGES AT BANKSIDE, LITTLE MARCLE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2DR

**RESOLVED**

That planning permission be granted subject to the following conditions:

- 1 - A03 (Time limit for commencement (outline permission) )

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

[Note: Time limits can be varied - special reason to justify]

- 2 - 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.

[Note: Time limits can be varied - special reason to justify]

- 3 - Prior to the commencement of the hereby approved development, details of foul and surface water drainage will be submitted to the Local Planning

**Authority for written approval, and thereafter maintained as such.**

**Reason: In order to ensure that satisfactory drainage arrangements are provided, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S2, DR2, DR7 and H13.**

- 4 - Prior to the commencement of the hereby permitted development, full landscape details, including the treatment of the landscape buffer zone, (annotated with a cross hatch on the approved plans), shall be submitted in writing with appropriate scaled plans, to the Local Planning Authority, for written approval. Works shall be carried out in accordance with the approved landscaping plans in the first planting season following the completion of the development or prior to the occupation of the first dwelling, whichever is the sooner, and thereafter maintained as such.**

**Reason: To ensure a satisfactory appearance to the development within the street scene, and safeguard the amenity of future occupiers of the residential development, and safeguard the vitality and viability of the established employment site, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S1, S2, DR1, DR2, DR13, H1 and H13.**

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

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

- 6 - Prior to the commencement of the hereby-approved development, full written details and plans at a scale of 1:100, indicating parking provision, turning area, surfacing and drainage details shall be submitted to the Local Planning Authority for written approval and thereafter maintained as such.**

**Reason: To ensure highway safety, the free flow of traffic, and the safety of pedestrians, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S1, S2, S3, S6, DR1, DR2, DR3, H13, H16 and T8.**

- 7 - A04 (Approval of reserved matters )**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

**[Note: Delete reserved matters which are not applicable]**

- 8 - A05 (Plans and particulars of reserved matters )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**[Note: Delete reserved matters which are not applicable]**

**[Note: Outline planning permissions will normally require conditions A02, A03, A04 and A05 to be imposed]**

- 9 - Where, during works on site, contamination is encountered which has not previously been identified and assessed in the preliminary risk assessment (received 2nd November 2007), that further contamination shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval. Thereafter, remediation works shall be carried out implemented in accordance with the approved scheme. Excavations should be monitored throughout the development of the site for contamination and pollutants.

Reason: In order to safeguard the users and occupiers of the hereby approved residential development, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policy DR10.

- 10 - H29 (Secure covered cycle parking provision )

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

**Informative(s):**

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

128. **DCNW2007/3344/F - CHANGE OF USE OF AGRICULTURAL FIELD TO CAMP SITE AND ERECTION OF SINGLE STOREY EQUIPMENT STORE/SHOWER AND TOILET FACILITIES. FIELD OPPOSITE THE POUND, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EH**

The Principle Planning Officer reported on the following:-

The Environment Agency has further responded to the application requesting additional information on flood levels, for the whole of the site, to which additional information has been provided and a formal response from the Environment Agency is awaited. Therefore in consideration of concerns raised by members of the public in respect of flooding on site, it is recommended that the application is delegated to the Head of Planning Services for approval and attachment of conditions as considered appropriate, subject to a satisfactory response received from the Environment Agency.

The Sub-Committee decided that the Officers be granted delegated authority to

approve the application subject to imposing any appropriate conditions felt to be necessary arising from the views of the Environment Agency.

**RESOLVED**

**That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission in consultation with the Local Ward Member, subject to any conditions deemed to be necessary arising from the response of the Environment Agency, and subject to the following conditions and any conditions about landscaping felt to be appropriate:-**

**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 development hereby approved shall be used in relationship to overnight camping only and no caravan shall be allowed on site.**

**Reason: In the interests of the visual amenity of the surrounding area and in the interests of public highway safety.**

**INFORMATIVES:**

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

**2 - N19 - Avoidance of doubt**

**129. DCNC2007/2669/O - SITE FOR THE ERECTION OF ONE BUNGALOW FOR AGRICULTURAL WORKERS DWELLING AT LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ**

The Principle Planning Officer said that the application was deferred at the previous meeting for audited accounts to be submitted to the Council. The accounts had been submitted and the Council's Land Agent had found them to be satisfactory. Councillor TW Hunt, the Local Ward Member, still had a number of questions about the application particularly regarding the realistic extent of the business and the need for a dwelling to support it on such a small site. The Northern Team Leader suggested that consideration of the application be deferred again to enable the presentation of all of the relevant facts to support the proposals. The Sub-Committee concurred with this view.

**RESOLVED: That consideration of the application be deferred pending the provision of further information in support of the business case for the application.**

**130. DATES OF FUTURE MEETINGS**

13th February, 2008; 12th March, 2008; 9th April, 2008 & 7th May, 2008

The meeting ended at 3.25 p.m.

**CHAIRMAN**

<b>ITEM FOR INFORMATION - APPEALS</b>
---------------------------------------

**APPEALS RECEIVED****Application No. DCNC2007/2177/F**

- The appeal was received on 30th November 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 K Smith & Ms R Read
- The site is located at The Embages, Bromyard, Herefordshire, HR7 4SX
- The development proposed is Proposed agricultural building for sheep rearing, hay storage and implements.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNC2007/2821/F**

- The appeal was received on 4th December 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 Martin McColl Ltd
- The site is located at 1-3 South Street, Leominster, Herefordshire, HR6 8JA
- The development proposed is Installation of outdoor air conditioning units to rear of building.
- The appeal is to be heard by Written Representations

**Case Officer: Julia Shields on 01432 261560**

**Enforcement Notice EN2007/0116/ZZ**

- The appeal was received on 4th December 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by S& A Soft Fruits Ltd
- The site is located at Brierley Court Farm, Brierley, Leominster, Herefordshire
- The breach of planning control alleged in this notice is:
  - Without planning permission the erection of polytunnels (to be rotated around fields within the land as required by crops under cultivation)*
- The requirements of the notice are:
  - i) *Demolish the polytunnels*
  - ii) *Remove any materials that arise from the demolition of the polytunnels from the land*
- The appeal is to be heard by Hearing

**Case Officer: Mark Tansley on 01432 261956**

**Application No. DCNW2007/2363/F**

- The appeal was received on 5th December 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 Taylor Wimpey UK Ltd
- The site is located at Land adjacent to the The Birches, Shobdon, Leominster, Herefordshire, HR6 9NQ
- The development proposed is residential development comprising 35 dwellings with car parking new access and landscaping.
- The appeal is to be heard by Written Representations

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNE2007/1258/F**

- The appeal was received on 14th December 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 L.R.C. Llewellyn
- The site is located at Cosy Cottage, Baddymarsh Lane, Lower Eggleton, Ledbury, Herefordshire, HR8 2UH
- The development proposed is Proposed detached house with garage to replace existing mobile home on adjacent site.
- The appeal is to be heard by Written Representations

**Case Officer: Roland Close on 01432 261803**

**Enforcement Notice EN2007/0067/ZZ**

- The appeal was received on 17th December 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Lort
- The site is located at Hay Furlongs, Middleton-on-the-Hill, Ludlow, SY8 4BD
- The breach of planning control alleged in this notice is:  
*Without planning permission, change of use of paddock / agricultural land to a use for the storage of equipment in connection with owners business, together with associated operational development in the form of an area of hardstanding.*
- The requirements of the notice are:
  - Permanently cease the use of the land coloured green on the attached plan for the storage of plant and vehicles and associated equipment.*
  - Permanently remove the hardstanding from the land coloured green on the attached plan and restore the land to its former condition as paddock / agricultural land by re-seeding it with grass.*
  - Reinstate the original boundary line at the location marked 'x' on the attached plan by planting a hedge of native species.*
- The appeal is to be heard by Inquiry

**Case Officer: Andrew Banks on 01432 383085**

**Enforcement Notice EN2007/0114/ZZ**

- The appeal was received on 18th December 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Howe
- The site is located at land at the Wheatsheaf Inn, Fromes Hill, Ledbury, Herefordshire HR8 1HT
- The breach of planning control alleged in this notice is:  
*Without planning permission, the creation of a single dwelling house"*  
The requirements of the notice are:
  - i) *Cease the use of the extension to the west of the public house as a single dwelling house.*
  - ii) *Permanently remove the kitchen from the extension to the west of the public house including all fixtures and fittings.*
- The appeal is to be heard by Hearing

**Case Officer: Roland Close on 01432 261803**

**APPEALS DETERMINED**

**Application No. DCNC2007/0506/F & DCNC2007/0507/C**

- The appeals were received on 3rd September 2007
- The appeals were made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission and refusal to grant Conservation Area consent
- The appeals were brought by J.D. Wetherspoon plc
- The site is located at Former Post Office, Corn Square, Leominster, Herefordshire, HR6 8LR
- The application, dated 19<sup>th</sup> February 2007, was refused on 27<sup>th</sup> June 2007
- The development proposed was Change of use to A4 (drinking establishment). Demolition of single storey rear extension and out-building and new rear extension.
- The main issues are the effects of the proposal upon the character of the Conservation Area and the impact of highway safety.

**Decision:** The appeal was WITHDRAWN on 4<sup>th</sup> December 2007

*Planning permission was granted for an alternative scheme on the same site, Application Number DCNC2007/2672/F, at the Northern Area Planning Sub-Committee on 14<sup>th</sup> November 2007.*

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNC2006/2860/F**

- The appeal was received on 30th April 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 J & B Motors
- The site is located at J & B Motors, Burley Gate, Hereford, Herefordshire, HR1 3QS

---

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

- The application, dated 4<sup>th</sup> September 2006, was refused on 27<sup>th</sup> October 2006
- The development proposed was Demolition of workshop and buildings and erection of replacement MOT workshop and one single storey dwelling with parking.

**Decision:** The appeal was WITHDRAWN on 10<sup>th</sup> December 2007

**Case Officer: Nigel Banning on 01432 383093**

**Application No. DCNE2007/1020/F**

- The appeal was received on 3rd August 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 D Humphrey
- The site is located at Land adjacent to Holmleigh, Old Church Road, Colwall, Malvern, Herefordshire, WR13 6ET
- The application, dated 8<sup>th</sup> March 2007, was refused on 22<sup>nd</sup> May 2007
- The development proposed was Proposed new dwelling and detached garage
- The main issue is the effect of the proposal on the character and appearance of the Colwall Conservation Area.

**Decision:** The appeal was UPHELD on 19<sup>th</sup> December 2007

**Case Officer: Carl Brace on 01432 261795**

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



**6 DCNE2007/3286/F - ERECTION OF ONE DWELLING (REVISED PROPOSALS) ON SITE OF ROSE AND COMME COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR**

**For: Ms H Kent per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester. GL19 3BG**

**Date Received:**  
22<sup>nd</sup> October 2007

**Ward:** Hope End

**Grid Ref:**  
71128, 40138

**Expiry Date:**  
17th December 2007

Local Member: Councillor R Mills

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

- 1.1 The application site is an undeveloped plot, derelict in nature and overgrown with self planted vegetation, located within a residential frontage within the core of Wellington Heath, a designated smaller settlement in Policy H6.
- 1.2 The proposal is for a single detached dwelling, with associated parking and turning area. The dwelling is approximately 10 metres x 6 metres with a ridge height of 6.6 metres.

### **2. Policies**

DR1 – Design  
DR4 – Environment  
DR7 – Flood risk  
H6 – Housing in smaller settlements  
H13 – Sustainable residential design

### **3. Planning History**

- 3.1 NE98/0157/0 – Outline application for the erection of one dwelling – refused
- 3.2 NE02/2904/F – Outline application for the erection of one dwelling – approved with conditions.
- 3.3 NE05/3784/RM – Erection of one dwelling – refused. Planning Appeal against refusal of NE05/3784/RM – Decision pending.

### **4. Consultation Summary**

#### Internal Council Advice

- 4.1 The Council's Principal Building Control Surveyor concludes that the proposals, as per the amended plans received 30th November 2007, are satisfactory and address the concerns regarding surface water storage and run off.
- 4.2 The Council's Highways Department has no objection to the proposal and recommends a number of conditions. These have been included in my recommendation.

---

Further information on the subject of this report is available from Mr C Brace on 01432 261795

## AREA SUB-COMMITTEE

### 5. Representations

- 5.1 This application has been the subject of significant local interest, and has seen three separate rounds of formal consultation following amendments to the original application.
- 5.2 The Parish Council has no objection to the proposal (and has maintained this stance throughout all the consultations) but requests conditions restricting the size of construction vehicles and also the working hours for the construction of the dwelling, if approved.
- 5.3 Six local residents have objected individually:

Dr. J and Mr. I. Maclean, Jays House, Floyds Lane, Wellington Heath  
Mr. D. F. Moore, Vine Cottage, Floyds Lane, Wellington Heath  
Mr. and Mrs. Blundell, Woodfields, Floyds Lane, Wellington Heath  
Mr. C. Smith, Hillside, Horse Road, Wellington Heath  
Mr. P. Constantine, Orchard Lodge, Floyds Lane, Wellington Heath  
Mrs. F. Bradley, Pear Tree Cottage, Floyds Lane, Wellington Heath

None of these objections have been withdrawn following the additional information and amended plans submitted, which sought to address the concerns and issues raised. The objections from residents are summarised as follows:

- The revised plan omits 3.5 metres of boundary hedge and stone wall between the application site and 'Jays House'. This boundary is not within the ownership of the applicant and the owners do not give consent for its removal.
  - Drainage, including potential for surface water/sewerage to impinge on other properties and land, including road flooding from excess surface water.
  - Potential risk of subsidence and damage to the foundations of neighbouring properties.
  - A bungalow of single storey cottage would be more appropriate for the site.
  - Impact on amenity and privacy of existing residents.
  - If permitted certain windows should be obscured glazing to prevent overlooking and protect privacy and amenity.
  - The proposed planting and landscaping scheme is inappropriate.
  - Concern about damage to Floyds Lane and traffic problems generated by construction vehicles, and any damage done must be made good.
  - The proposal is overdevelopment of the site.
  - The proposal is out of character with surrounding properties.
  - Floyds Lane is incapable of taking additional 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. Officers Appraisal

## AREA SUB-COMMITTEE

- 6.1 The application site is located within the core of Wellington Heath, a designated smaller settlement (H6) where the infilling of suitable plots for small scale residential development is permitted.
- 6.2 The application plot meets the policy criteria regarding frontage, with a frontage length of approximately 25 meters. The policy also restricts the size of the dwelling permitted in regards to the habitable living space to 100 sq metres for a 4-bedroom dwelling. The proposed 4-bedroom dwelling has a footprint of approximately 120m<sup>2</sup>. The habitable living space enjoyed by the dwelling is approximately 70 sq. metres.
- 6.3 As the principle of residential development on the site is acceptable and the proposal does not create any harm by virtue of its size and scale, the main focus turns to site-specific issues.
- 6.4 Wellington Heath is acknowledged, informally, to have a significant drainage and surface water problem, created through a mixture of factors, including topography and soil types. New development in this area can and has exacerbated this issue. All objectors point to this issue regarding this application, and consequently, discussions and amendments to the scheme have been made.
- 6.5 Given the localised issue of drainage and surface water run off it is considered that conditions regarding drainage would be inappropriate and that this issue should be fully addressed within the application.
- 6.6 This proposal includes two water storage tanks, 1x 2000 litres, with a 1 x 2000 litres overflow. In addition, captured roof water is treated by a Rainwater Utilisation System (RUS), bespoke design for the proposal and designed to over capacity. The RUS and proposed water butts will ensure that the site does not result in increased surface water. The 50mm upstand kerb and catch drain is designed to prevent surface water run off from the Orchard Lodge development and general run off from Floyds Lane itself.
- 6.7 In light of the amendments, the Council's Principal Building Control Surveyor is happy with the proposed drainage and surface water proposals. Given this expert opinion, it is considered, notwithstanding the concerns and objections expressed by objectors, that this issue has now been adequately addressed within the scheme. Accordingly, policies DR4 and DR7 are satisfied.
- 6.8 It should also be noted that the applicant engaged in significant discussions with the Council's Building Control officers to create an appropriate scheme. A condition to ensure its full implementation of the drainage and surface water mitigation scheme, either on completion of the development or prior to the occupation of the dwelling, whichever is the sooner, has been recommended.
- 6.9 Turning to the design and associated issues:
- 6.10 The siting of the proposed dwelling has regard to the existing frontages and the development pattern of Floyds Lane – that is dwellings positioned within their plots so they are close to the lane itself. Whilst maintaining the development pattern of Floyds Lane, the proposal also affords adequate parking, turning and manoeuvring areas within the frontage.
- 6.11 The design and scale of the proposed dwelling is considered acceptable and appropriate to its location and the context of the site.
- 6.12 The ridge height follows the existing pattern of development, which is lower than the neighbouring dwelling as development follows the topography down the slope of the lane/land. The proposal has a ridge height of 6.6 metres, which is 1.4 metres lower than Woodfields to the north, and 1.1 metres higher to ridge height than Jays House to the south.

## **AREA SUB-COMMITTEE**

- 6.13 In terms of scale, the footprint of the proposed dwelling is significantly smaller than Woodfields, Hillside, and Jays House. This is a result of the criteria of policy H6 (outlined above) and the constraints and issues associated with this site.
- 6.14 In regards to the amenity and privacy of both the existing dwellings and the proposed dwelling, it is noted the north and south elevations have no windows in them, save for the window lights in the porch. These elevations face Woodfields to the north and Jays House to the south respectively. In regards to Hillside, east and behind the proposal, the siting of the existing Woodfields, is closer to Hillside than the proposed dwelling. It is not considered, given the design, boundary treatments, and existing situation, that there would be a worsening or the exacerbating of any detrimental impact on the amenity enjoyed by Hillside. It is also noted that the principle aspect of Hillside does not face onto the proposal.
- 6.15 In light of all of the above, the proposal accords with policies DR1, DR4, DR7, H6 and H13.

## **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 - Prior to the commencement of the hereby permitted development full written details and plans detailing the landscaping, boundary treatments and planting scheme, shall be submitted to the Local Planning Authority for written approval.**

**Reason: To ensure the integration of the development within the landscape and locality, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and H13.**

- 3 - All planting, seeding and turfing in the approved details of landscaping, boundary treatment, and planting schedule, as approved in respect of Condition 2, shall be carried out in the first planting and seeding season following the occupation of the dwelling or the completion of the dwelling (whichever is the sooner). Any trees or plants which within a 5 year period from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with a replacement of the same species and size, unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure the integration of the development within the landscape and locality, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies DR1 and H13.**

- 4 - H01 (Single access - not footway )**

**Reason: In the interests of highway safety.**

- 5 - 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.**

**AREA SUB-COMMITTEE**

- 6. The drainage and surface water scheme detailed in the hereby approved development shall be implemented prior to the completion of the development or the occupation of the building, whichever is the sooner

Reason: To Ensure surface water issues are addressed in accordance with Herefordshire UDP (adopted 2007) policies DR2, DR4, DR7 and H13

- 7. Removal of development rights.

Reason: In accordance with herefordshire Unitary Development Plan (adopted 2007) Policy H6.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt
- 3 - HN01 - Mud on highway
- 4 - HN04 - Private apparatus within highway
- 5 - HN05 - Works within the highway
- 6 - HN22 - Works adjoining highway

Decision: .....

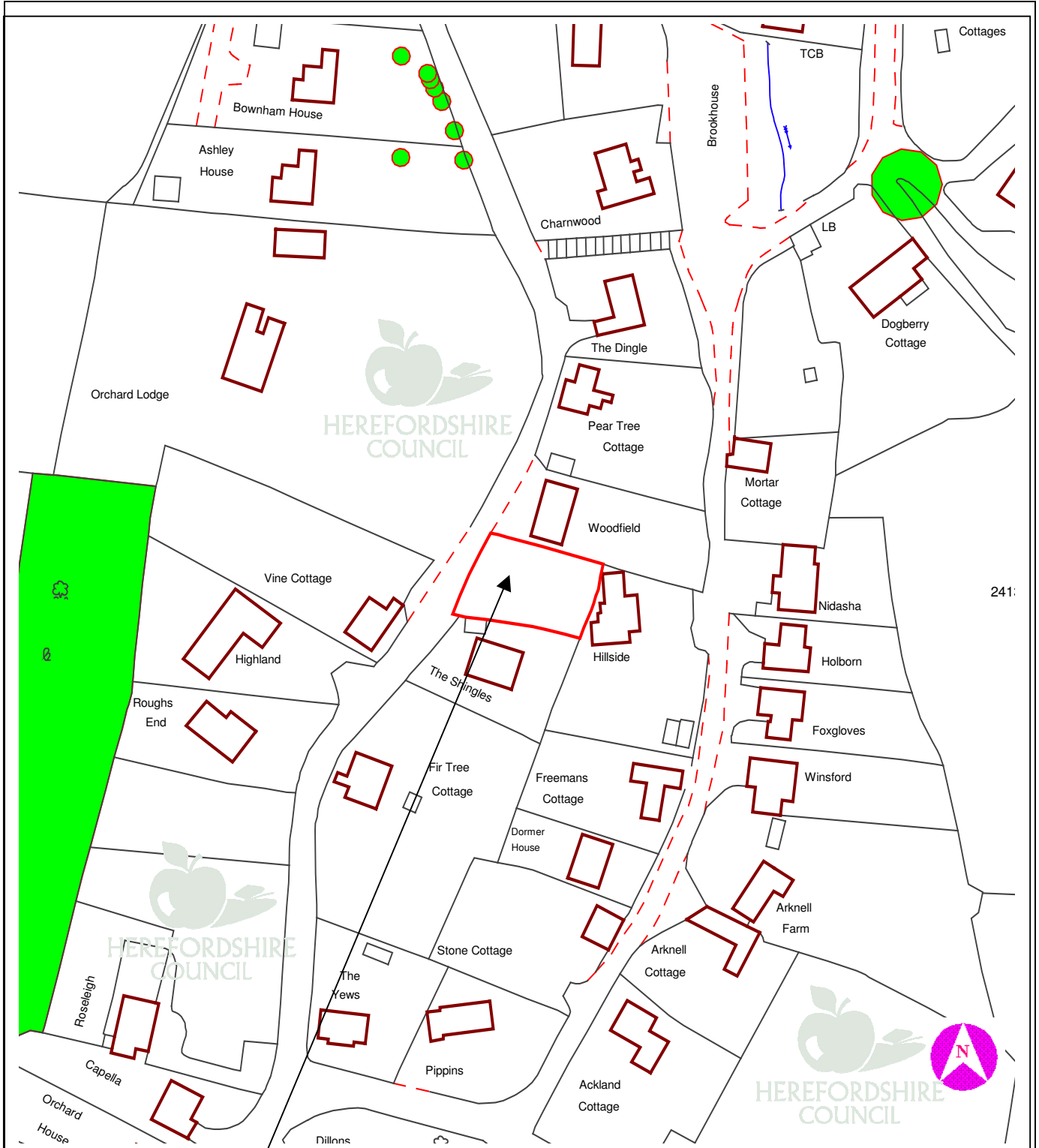
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**AREA SUB-COMMITTEE**



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

**APPLICATION NO:** DCNE2007/3286/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Site of Rose and Comme Cottages, Floyds Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1LR

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr C Brace on 01432 261795

**7 DCNW2007/3633/F - CHANGE OF USE FROM AGRICULTURAL LAND TO 6 HOLIDAY LODGES (LODGE STYLE CARAVANS). PARK GATE FARM, LYONSHALL, HEREFORDSHIRE, HR5 3HY**

**For: B.J. Layton & Co, John Lambe Associates, Bryn Cynan Fawr, Pontllyfni, Caernarfon, Gwynedd LL54 5EE**

**Date Received:**  
21st November 2007

**Ward:**  
Pembridge & Lyonshall with  
Titley

**Grid Ref:**  
33285, 57106

**Expiry Date:**  
16th January 2008

Local Member: Councillor R. J. Phillips

**1. Site Description and Proposal**

1. The application site comprises a secluded parcel of land approximately 1.65 hectares in size. The site is accessed from the C1027 that leads from the A44 north towards the B4355 (Titley to Presteigne) utilising an existing access point. The site itself is grassland, sloping to the South towards an existing lake. The Site is surrounded on three sides by mature woodland and is barely visible from public view. The land has been described as having a parkland feel, although it is understood that the lake was created 13 years ago and the land recreated by the applicant since this time. The site is an unregistered historic park.
2. The proposal is described as being a farm diversification project for the change of use of the land for the siting of 6 lodges. From the detail made available within the application, these lodges are caravans (including a static caravan) as defined within section 13 of the Caravan Sites Act 1968. The lodges would be timber construction with shallow pitch roofs. The application submission also shows decking and steps surrounding these lodges. One of these units would be adapted for disabled use. The six units would be sited along the lower contours of the site to the plateau area nearer the lake. An access track and parking constructed of hardcore (crushed stone) is proposed to the south of the line of units and a cycle rack is proposed next to each unit. Informal scattered groups of planting are also proposed. Access to the site would be from the existing access with some improvements to visibility splays and surfacing.
3. The use of the 'lodges' is proposed to be for both letting and owner occupation (purely for holiday purposes).
4. The application was accompanied by an ecological habitat Survey Report, Topographical survey, Scaled layout drawing, including landscaping, site photographs and examples of the types of lodges that would be sited.

## 2. Policies

### Unitary Development Plan (2007)

S1 - sustainable development  
S7 - Natural and historic heritage  
S8 - Recreation, Sport and Tourism  
DR2 - Land use and activity  
DR3 - Movement  
E12 - Farm Diversification  
LA2 - Landscape character and areas least resilient to change  
LA4 - Protection of historic paths and gardens  
LA6 - Landscaping Schemes  
NC1 - Biodiversity and development  
NC5 - European and nationally protected species  
NC6 - Biodiversity Action Plan priority habitats and species  
NC7 - Compensation for loss of Biodiversity  
NC8 - Habitat creation, restoration  
NC9 - Management of features of the landscape important for fauna and flora  
RST12 - Visitor Accommodation  
RST13 - Rural and farm tourism development  
RST14 - Static Caravans, chalets, camping and touring caravan sites

### National Planning Policy:

PPS1 - Delivering Sustainable Development  
PPS 7 - Sustainable Development in Rural Areas  
PPG13 - Transport

Good Practice Guide on Planning and Tourism

## 3. Planning History

- 3.1 NW2007/2478/F - Change of use from agricultural land to Holiday lets (12 lodges) - withdrawn
- 3.2 NW2006/2856/F - proposed storage building for game keepers equipment in connection with Lyonshall shoot.- Approved with conditions

## 4. Consultation Summary

### Statutory Consultations

- 4.1 The Forestry Commission notes that the application is within 500m of semi-natural woodland, bordering Lyonshall wood. However, the scale of the proposals is such that there will be no effect on the woodland and consequently we have no comments to make.



## 4.2 Hereford and Worcester Gardens Trust make the following comments:

As the enclosures with this application indicate, this is an especially beautiful corner of Herefordshire, which would be spoilt by the development of 6 lodge-style caravans immediately in front of the lake. We can appreciate that certain types of quiet tourism would benefit herefordshire but here the visitors will spoil the very beauty they come to admire. We would suggest that the lodges should be built within the hamlet of Nextend, perhaps adjacent to the existing farm buildings at Parkgate Farm.

As with so many of the other fine landscapes in Herefordshire, the wood-pasture character of this site, to the west of Lyonshall Castle, derives its special qualities from its earlier history as a deer park, which provided venison and pleasure for the aristocratic owners of the castle. The history of the park is set out briefly in D. Whitehead, *A Survey of the Historic Parks and Gardens of Herefordshire* (2001), p. 259. History, and past agricultural practice, as well as the sensitivity of recent owners, have given us something valuable here, which should be preserved. With all the present pressures upon the Herefordshire countryside there is an urgent need to protect the remaining areas with outstanding landscape value. They often come in isolated pockets, like Lyonshall deer park. The Trust would urge the Council to ask the applicant to think again.

Internal Council Advice

## 4.3 The Conservation Manager makes the following comments:

Landscape Officer – Despite the reduction from 12 to 6 units my original comments remain relevant to this proposal which are as follows:

The previous comments made on application number NW2007/2478/F were as follows:

In brief, I have serious reservations about the potential impact of the proposal on both the quality and character of the landscape and would recommend the application be refused as contrary to policies LA2 and LA4, amongst others, of the UDP. The particular issues that concern me are as follows:

- The site is located within the '*Wooded Estatelands*' landscape type as defined in the Herefordshire Landscape Character Assessment. This landscape is described as primarily defined by "large, discrete blocks of woodland" and a number of secondary characteristics. The description of this landscape goes on to point out the impact that agricultural intensification has had in recent years, fragmenting and deteriorating the defining elements in the landscape and concludes that even the "...introduction of small scale elements does as much harm to the character as the loss of the inherent features".

Whilst it is acknowledged that the proposal is not in a visually prominent location and, in fact, could be barely seen from the public domain, it is also worth noting that the 'experience' of a landscape is also to be appreciated as a tourist. Any development that does not make a positive contribution to the character and quality of a landscape devalues both the experience of that landscape and ultimately its aesthetic and economic value: the very reason for seeking to locate holiday chalets.

- One possible area of weakness in the Herefordshire LCA is a failure to fully acknowledge the depth of history that influences our modern landscape. Interestingly, the description of this landscape type does allude to the influence of

historic and principally mediaeval emparkment. The site in question would appear to lie at the eastern boundary of a 13<sup>th</sup> century park, referred to in 'A Survey of Historic Parks and Gardens in Herefordshire' (Whitehead, 2001) as "*Lyonshall deer-park*". The park would appear to extend north from the site of the 12<sup>th</sup>/13<sup>th</sup> century castle (site of) just north of the A44, ultimately bounded to the west and north by the river Arrow. It is likely that little remains of the original park pale to the east, destroyed through agricultural improvement and the construction of a railway branch-line, although it may be reasonable to assume that the park did not extend beyond the line of the current minor road from Lyonshall to Titley Mill. The name, Parkgate Farm, clearly alludes to the presence of a park boundary although this does not appear until the 1840 tithe map, suggesting that the boundary was still acknowledged, if not fully defined at this time. Although pure supposition, it is possible that the western boundary of the park utilised the *Offa's Dyke* bank and ditch system, reducing the costs of establishing new park boundaries, again lost to the construction of the railway line.

Early nineteenth century enclosure introduced regular field boundaries into an otherwise sinuous landscape, although more recent removal of these boundary lines has inadvertently reinstated a 'parkland' character, particularly to the application site. Given the backdrop of mixed broadleaf woodland, individual standard trees and the large body of water the site could easily be mistaken for a designed parkland landscape.

Whilst I appreciate the need for diversification in farm enterprise and the potential that tourism has in this area, I am concerned this application does not draw on either the current character of the landscape, the topography of the site and the defining elements in the landscape, but also fails to acknowledge and respond to the cultural and historic significance of the site. It is worth noting that the existence of an eight hundred year old 'designed' landscape can still be traced.

A proposal for fewer chalets, more sympathetically distributed throughout the site with a well-considered landscaping scheme, acknowledging and enhancing the parkland character of the site may be considered acceptable.

### Ecology

I note that the extended Phase I survey was carried out in March, which is not an ideal time to assess vegetation. Some of the pond species were missed such as water mint, lesser spearwort and water forget-me-not. I also noted that one of the mature trees in the field had fallen over during the recent wet weather. However, the location of the holiday chalets is within the improved pasture area dominated by perennial rye grass and white clover. I accept the findings of the report regarding the potential impact on the adjacent Special Wildlife Site. There should be no direct drainage from the chalets into the lake and provided that the drainage/disposal of foul water issues are clarified prior to determination, I do not foresee an ecological impact as a result of this development. The planning ecologist should be consulted on any proposals for a reed bed system.

I have no objection to approval of this application subject to the inclusion of the following non-standard conditions:

The proposals set out in the Recommendations section of the ecologist's report should be followed in relation to nature conservation and wildlife enhancement.

A habitat enhancement scheme based upon the recommendations of the of the ecologist's report should be specified in a method statement for submission to Herefordshire Council and implemented as approved in order to enhance the habitats on the site."

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

4.4 The Transportation Manager makes the following comments:

No objection, but with following comments;

Visibility adequate for estimated speeds on road.

Site not very sustainable - remote from services, implying reliance on private motor vehicles for transport.

On balance, unreasonable to refuse on highway grounds.

4.5 The Tourism Officer makes the following comments:

Due to the large number of planning applications for the change of use, conversion and build of self catering accommodation, it was deemed appropriate to conduct an assessment of trends of self catering establishments. It was found that the occupancies for self catering had fallen by 4%, with new starts fairing worst.

We believe that we are reaching tipping point for the "standard" self catering establishments, however, there is still scope in the consideration of planning applications. The development would need to be fully compliant with wheelchair access to comply higher than level 1 or level 2 of the National Accessibility Scheme.

4.6 The Public Rights of Way raises no objection to the application

## 5. Representations

5.1 Lyonshall Parish Council make the following comments:

The Council recognise that there have been substantial moves to meet the previous objections. It therefore, supports the application but believes that the following conditions should be imposed:

1. Tight specification should be made for the quality of the chalets. An example was given from a separate approval where the planning department had laid down a requirement that the chalets should be at least equal in quality to a trio of named types.
2. There should be a restriction on the number of months of the year when the chalets could be occupied
3. The lodges should be for holiday lets and should not be residential

4. The local roads, including the drainage of the roads should be improved
  5. 6 lodges seem appropriate so there is likely to be opposition to any future developments on this site
- 5.2 Letters of representation have been received from Mr Allan Carter, Nextend cottage, Nicola Reynolds, The Stagg Inn Titley, Evelyn Bradley, Litfield Bank, Lyonshall, Nigel Layton, Primavera, Lyonshall. These letters can be summarised as follows:
- No objection to the application,
  - Support the application, as it would be good for the local economy with the increase in Tourists to the area
  - Mr Laytons scheme should prove to be successful method of increasing visitors to the area where there is plenty of space, hopefully benefiting local businesses at the same time.
  - Would like to see family friendly accommodation and also some disabled accommodation as this is lacking locally.
- 5.3 A letter from Animal Funeral Services, Litfield House, Lyonshall has also been received which can be summarised as follows:
- I have no objection to the proposed increase in tourist accommodation in the area as this would help underpin the local rural economy but doubt that Parkgate Farm is a suitable location for such accommodation.
  - The business operates as an animal carcass incinerator from Litfield House.
  - Whilst the business operates under a variety of legislation and causes no harm to the locality; I doubt that a site in close proximity is suitable for provision of tourist accommodation.
  - Concern that the use would impinge upon the lawful use of the incineration business and may restrict its operation in time.
- 5.4 The application submission also includes a supporting document that details the history of the site and withdrawal of the previous application and reduction of the number of units for 12 to 6 in order to address issues of landscape impact and highway network capacity.
- The submission also details the proximity of Lyonshall, which has a post office, public house and farm shop. It states that these can be accessed via a public footpath from the site, lying one mile away. It also notes the proximity to The Stagg Inn at Titley (1 mile) and The New Inn at Pembridge (3 miles). It notes that a bus stop is approximately half a mile away which runs to Hereford and Llandrindod Wells (via Kington). The site is also near a designated on road National Cycle network between Kington and Presteigne. The nearest railway station is at Leominster (10 miles). Kington lies 3 miles from the site which has a range of facilities.
- The holiday park would be managed and operated from Park Gate Farm and that the nits would be both letting and owner occupied (purely for holiday purposes)
- 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 main issues for consideration in the appraisal of this proposal are:

- The policies and principle of the change of use of land from agriculture to a holiday lodge / chalet park
- Sustainability of location
- Farm Diversification
- Economic Benefits
- Landscape Impact in relation to scale and character
- Ecology

### Policies and principles

6.2 There are policies of the UDP which are broadly supportive of such proposals and these chalet / caravans parks can be successful tourism based facilities within the County where of an appropriate scale and in a suitable location.

6.3 Policy RST14 of the Unitary Development Plans deals explicitly with the creation of new chalet and caravan sites. In particular new parks will not be permitted where they would cause harm to the character and appearance of the countryside. In other locations the success of proposals will depend on a number of criteria. Amongst others these include requirement that the site is well screened, or capable of being screened, from roads viewpoints and other public places. The proposal would also need to be of a scale, which relates sensitively to its location, is well laid out, designed and landscaped. Traffic generated must be safely accommodated on the local highway network and arrangements must be made to ensure that the units are retained for holiday use.

6.4 Policy E12 makes allowances for farm diversification to generate income for the businesses as long as the proposal is consistent in scale with its rural location, serving to retain the open character of the countryside and use is made on existing buildings in accordance with policies HBA12 and HBA13 and developed areas wherever possible, with and new development of a scale and design which is appropriate to its rural surroundings.

6.5 Planning Policy Statement 7 sets out the governments specific objectives to promote sustainable patterns of development in rural areas. It recognises that diversification into non-agricultural activities is vital to the continued viability of many farm enterprises and suggests that local authorities should be supportive of well conceived farm diversification that contribute to sustainable development objectives and help to sustain the agricultural enterprise. It also notes that a supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside.

### Sustainable Location

6.6 Unitary Development Plan Policies S1, S6, DR2 and DR3 aim to ensure that new developments be sited in locations which are located and designed so as to facilitate a genuine choice of mode of travel, including public transport, cycling and walking as alternative to the private car. The Good Practice Guide on Planning for Tourism also make reference to the siting of parks where local services may be accessed by means other than by car. Paragraph 35 of PPS7 also where new or additional

facilities are required these should normally be provided in, or close to, service centres or villages.

- 6.7 The application submission makes reference to the proximity to facilities in the village of Lyonshall and town of Kington. Whilst it may be possible to walk to the bus stop or village along the Public Right of Way, realistically the predominant mode of transport will be the private motor car. The scale of development also then become relevant where there will be additional car movement for 6 units (potentially 3/4 bed). This is considered inappropriate and a level of development which would increase traffic movements to the detriment of the environment and locality.
- 6.8 Notwithstanding the above, the Transportation Manager raises no objection in terms of highway safety. The access to the site can be adapted to provide a suitable and safe access.

#### Farm Diversification

- 6.9 The application makes reference to this being a farm diversification project. Policy can support such schemes subject to the criteria discussed above. This application submission divulges little information regarding the way in which this would support the farm or the thought behind this. Nor does it offer any exploration of any other projects that may have been explored such as barn conversions or sites for lodges immediately adjacent to the farm. On this basis little weight can be given to this argument.

#### Economic Benefits

- 6.10 It is accepted that there these new units may support rural businesses nearby. Equally, if a proportion of these are sold off (application states both letting and owner occupied) as second homes, then the units may be empty for large parts of the year and not contribute much at all to the local economy. Households that own a unit as a second home might be less inclined to re-visit local attractions since they will be familiar with them from earlier visits. Given the lack of public transport in the immediate vicinity, they will inevitably be car borne and may bring much of their food and household supplies with them. As such the economic benefits of the proposal do not outweigh the harm of the change to the landscape character and the unsustainable location.

#### Landscape Impact and Scale and Character of Development

- 6.11 The application site itself is secluded and well screened from the public vantage points. However, the scale of the development would have an impact on the rural character of this area. These units would inevitably acquire a clutter of domestic paraphernalia such as decking, washing lines, parasols and outside seating, barbeques and vehicles parking. The introduction of six units (shown on the submitted plan to be 13m by 6m) would unavoidably make this site more assertive in the landscape, not least because of the sheer presence of 6 households in terms of movement or people and vehicles. The intensification of activity and density would have a more urban nature and would change the character of the area, eroding its extremely quiet and rural qualities. The 6 new buildings and their domestic clutter would be tightly grouped development compared to the typical scattered development hereabouts. It cannot help but have an urban manicured nature which would fundamentally change the character of the rural area. Given the containment of the site, in the folds of the landscape and the proposed further planting it is accepted that the proposal would not have any far reaching landscape impact. As

such the proposal is considered to be contrary to policies DR2, LA2, E12 and RST14 of the Unitary Development Plan (2007).

#### Ecology

- 6.12 An ecological survey has been submitted and although there may be ecological implications, this is a matter which could be controlled with an appropriate condition.
- 6.13 It remains a central tenet of government policy to protect the countryside for its own sake. The fact that development may be well screened is not justification for that development.

#### Historic Park and Garden

- 6.14 The site lies within an unregistered historic park, where Policy LA4 applies.

Development which would destroy, damage or otherwise adversely affect the historic structure, character, appearance, features or setting (including the designed rural envelope) of a registered park or garden will not be permitted.

The policy advises that such proposals should be accompanied by a historic landscape appraisal report and restoration scheme. No such report was received with this application.

The policy concludes by advising that unregistered parks and gardens will be afforded similar protection.

- 6.15 The concerns expressed by the Hereford & Worcester Gardens Trust are shared by your officer, consequently the proposal is considered to be contrary to Policy LA4.

#### Conclusion

- 6.16 Whilst policies are generally supportive of chalet / caravans parks in appropriate locations, the proposed siting of six holiday lodges on a site which is considered remote from services and facilities is considered contrary to policies S1, S6, DR2 and DR3 as well as the principle and aims of PPS7 and the Good Practice Guide for Tourism. Whilst it is accepted that the proposal would not have a far-reaching landscape impact the development of this scale, would, by its nature, change the character of the locality to the detriment of the landscape quality. As such it is considered to be contrary to policies DR2, LA2, E12 and RST14 of the UDP (2007). There may be benefits locally and to the continuation of the farm, but these, on the basis of the information provided, do not outweigh the objections on the grounds outlined above. As such the application is recommended for refusal.

### **RECOMMENDATION**

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

**The proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered path contrary to policies DR2, LA2, E12 RST 14 and LA4 of the Unitary Dev Plan. The proposed development, by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Unitary Development Plan as well as the objectives of PPS7 Sustainable Development in Rural Areas.**

Decision: .....

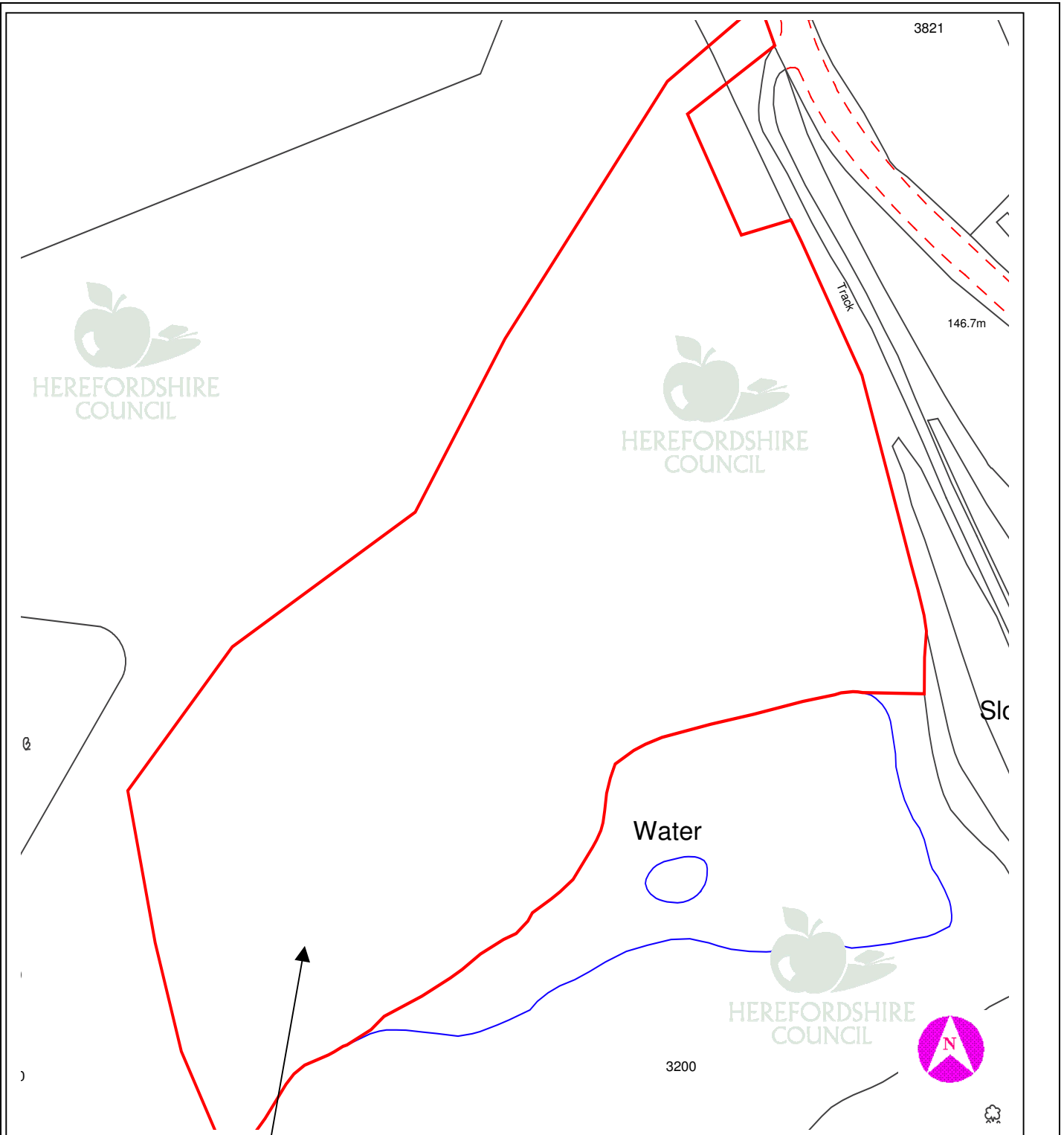
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





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

**APPLICATION NO:** DCNW2007/3633/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Park Gate Farm, Lyonshall, Herefordshire, HR5 3HY

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



**8 DCNW2007/3721/F - RESIDENTIAL DEVELOPMENT  
COMPRISING OF 35 DWELLINGS WITH CAR PARKING,  
NEW ACCESS ROAD AND LANDSCAPING ON LAND  
ADJACENT TO THE BIRCHES, SHOBDON,  
LEOMINSTER, HEREFORDSHIRE, HR6 9NQ**

**For: Taylor Wimpey & Jennings Estates Ltd per  
Drivers Jonas, Cornwall Court, 19 Cornwall Street,  
Birmingham, B3 2DY**

**Date Received:**  
3rd December 2007

**Ward:**  
Pembridge &  
Lyonshall with Titley

**Grid Ref:**  
39305, 61915

**Expiry Date:**  
3rd March 2008

Local Member: Councillor R Phillips

**1. Site Description and Proposal**

- 1.1 The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for housing to the east of a residential area known as 'The Birches'. To the south of the application site is farmland. North of the site is the 'Pearl Lake Caravan Park'. Adjacent to the western boundary are a pair of recently constructed detached two-storey dwellings.
- 1.2 The application site itself covers an area of 2.3 hectares, presently in use as agricultural grassland, it abuts the B4362 on its northern elevation. Native vegetation in the form of hedgerows surround all but the southern boundary and a few trees alongside the western boundary.
- 1.3 The proposal is for 35 dwellings and associated car parking, access roads and landscaping which includes the provision of a childrens play area alongside the north-western side of the application site.
- 1.4 The 35 dwellings are broken down as follows:
- 6 - two-bedroomed houses
  - 8 - three-bedroomed houses
  - 7 - four-bedroomed houses
  - 14 - five-bedroomed houses.

Of these, twelve are proposed as 'affordable housing' in-line with relevant Local Plan policy on affordable housing. These are broken down in bedroom size as follows:

- 2 - four-bedroomed houses
- 4 - three-bedroomed houses

- 6 - two-bedroomed houses.

## 2. Policies

2.1 National Planning Policy Statement 3: Housing  
Planning Obligations Practice Guide

2.2 Herefordshire Unitary Development Plan 2007

S1 – Sustainable development

S2 – Development requirements

DR1 – Design

DR2 – Land use and activity

DR3 – Movement

DR4 – Environment

H4 – Main villages: Settlement boundaries

H5 – Main villages: Housing land allocations

H9 – Affordable housing

H13 – Sustainable residential design

H15 – Density

H16 – Car parking

H19 – Open space requirements

LA2 – Landscape character and areas least resilient to change

NC1 – Biodiversity and development

NC8 – Habitat creation, restoration and enhancement

NC9 – Management of creatures of the landscape important – flora and fauna

RST3 – Standards for outdoor playing and public open space

RST5 – New open space in/adjacent to settlements

CF2 – Foul drainage

2.3 Herefordshire Supplementary Planning Guidance – Land at Shobdon, Herefordshire.

## 3. Planning History

NW07/2363/F - Residential development comprising 35 dwellings with car parking, new access road and landscaped - Refused 22nd October 2007 (currently subject to appeal).

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water - No objections subject to inclusion of appropriate conditions to any approved notice subsequently issued.

4.2 Environment Agency - No objections subject to inclusion of suitable conditions to any approved notice subsequently issued.

### Internal Council Advice

- 4.3 The Ecology Manager raises no objections subject to a standard condition being attached to any subsequent approval notice issued with regard to habitat enhancement.
- 4.4 The Transportation Manager raises no objection subject to a Section 106 Agreement request of £1500 per dwelling towards local highway infrastructure improvements and standard conditions attached to any subsequent approval notice issued.
- 4.5 Strategic Housing Enabling Manager raises no objections subject to the Section 106 Agreement on affordable housing provision being suitably worded with regards build standards.
- 4.6 The Parks and Countryside Manager requests £630 per dwelling towards local sports facilities provisions, the play area to be in the form of a Multi Use Games Area (MUGA) and a commuted sum for its future maintenance. (At time of writing this report estimated to be £56,000).
- 4.7 The Conservation Manager has responded to the application with concerns about the overall landscaping of the site, in that information provided in support of the application is unclear on how the site will be landscaped in order to blend the proposed development into the surrounding environment.

## **5. Representations**

- 5.1 Shobdon Parish Council raises no objections. However concerns are raised about new foul drainage sewers being connected to the existing system in places where there are existing pipework problems causing overflowing manholes.
- 5.2 A letter of objection has been received from G P Jones, Pearl Lake Leisure Park, Shobdon. The letter states objections to the location of the entrance to the application site, being only 35 metres from the entrance to Pearl Lake Leisure Park, on the opposite side of the adjacent public highways, to the application site, in that this could jeopardise potential future development at the Pearl Lake Leisure Park. Concerns are also raised about existing power cables over the site and capacity of the existing public sewer system that will serve the site.
- 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 The key issues with regards to this application use:
- Principle of the development
  - Foul and surface water drainage
  - Planning obligations
  - Landscaping.

Principle of the development

- 6.2 The site is allocated in the Unitary Development Plan for residential development with an estimated capacity of 30 dwellings. The site also has the benefit of Supplementary Planning Guidance in the form of a development brief adopted by the Council in 2007.
- 6.3 The estimated capacity of 30 dwellings is below national planning guidance on density per hectare.
- 6.4 The application proposes a density of 15 dwellings per hectare (including proposed open space area), on the application site. This amount is still low when compared to national guidelines, however given the rural character of the site and the surrounding built environment the proposal for 35 dwellings is considered acceptable.
- 6.5 The application proposes a range of dwelling types and sizes that overall compliment each other, blending in satisfactory with the surrounding built environment and rural setting. It is acknowledged that the application proposes a high number of 4 and 5 bedroomed houses (21), however given their proposed scale and design, overall density, sufficient amount of residential curtilage and provision of a play area, this is considered acceptable. The application proposes affordable housing provision comprising of 12 units located in three different areas of the application site, to the satisfaction of the Council's Strategic Housing Manager.
- 6.6 The dwelling proposed for plot number 5 has two first floor windows in its easterly gable elevation, these will have a detrimental impact on the amenity and privacy of the adjoining dwelling outside of the application site. A condition is recommended to be attached to any approval notice issued restricting the glazing to opaque glass and non-opening windows.

Foul and surface water drainage

- 6.7 As part of the application, the applicants have submitted a flood risk assessment, to which the Environment Agency raises no objections. Welsh Water have also raised no objections to the proposal. It is noted concerns were raised by the Local Parish Council and a member of the public with regards existing foul water drainage, however it is considered that these issues of concern have been addressed satisfactory with the applicants proposing a sustainable urban drainage scheme to serve the site, on land to the south of the application site for surface water drainage. Appropriate conditioning with regards foul water and surface water drainage are also recommended to be attached to any subsequent approval notice issued.

Planning obligations

- 6.8 The application triggers a requirement for affordable housing provision, public highway infrastructure improvement contribution. Open space provision, local sports contribution, and local education improvements contribution towards the local primary and high school. The applicants have agreed to these in principle, recommend details can be found on the attached Draft Heads of Terms.
- 6.9 Also forming part of the said Draft Heads of Terms is a requirement to ensure that overhead power lines across the proposed play area/open space on the site will be re-directed under ground at no cost to the Council.

- 6.10 In consideration of residential amenity and play area safety, this is considered essential and is one of three reasons, why the previous application was refused planning permission under the scheme of delegation dated 22<sup>nd</sup> October 2007.
- 6.11 Another reason why the application was refused planning permission amounted to the reluctance on behalf of the applicants to agree to adequate position of a Multi Use Games Area (MUGA), and financial contribution towards its maintenance.
- 6.12 The applicants in consideration of information provided in support of their latest application appear now to accept the requirement to address the above-mentioned issues.
- 6.13 The final reason, was the absence of a functional pedestrian/cycle link between the adjacent Birches housing development and The Grove housing area to the east of the application site, as clearly set out in the adopted Development Brief for the site and paragraph 5.4.50 of the Herefordshire Unitary Development Plan 2007. It is acknowledged that the relevant small amount of land required to enable the link to 'The Grove' on the eastern side of the application site is outside the area of the application site, as outlined in red on the site location plan, however a site location plan for land adjacent to the site does indicate land outlined in 'blue', through a corner of which this link could easily be constructed. It is noted that a land registry search indicated this land is in the control of the same land owners, as the application site itself. It is on this adjoining area of land that the sustainable urban drainage scheme is proposed in order to satisfy the Environment Agency requirements.
- 6.14 In order to provide clarity on this issue, it is recommended that provision for this pedestrian/cycle route, in the direction of The Grove also forms part of a Section 106 Agreement, as outlined in section 8 of the attached Heads of Terms.

#### Landscaping.

- 6.15 The Conservation Manager's concerns about lack of information about overall landscaping can be addressed through the attachment of conditions to any approval notice subsequently issued.

#### **Recommendation**

**That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary and appropriate.**

**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 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 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of sustainable urban drainage systems, as detailed within the Flood Risk Assessment dated September 2007 RJZI/MS/2007-106 submitted in support of the application which includes drawing number 2002-106-ZRA-04 has been submitted to and approved in writing by the Local Planning Authority. Surface water generated from the site shall be limited to the equivalent greenfield run off rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Environment Agency.**

**Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.**

- 6 - 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 within an overall capacity comparable with the site being drained.**

**Reason: To prevent pollution of the water environment.**

- 7 - Foul water and surface water discharges shall be drained 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 unless otherwise approved in writing by the Local Planning Authority.**

**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 indirectly with the public sewerage system.**



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

**10 - 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.**

**11 - H18 (On site roads - submission of details )**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

**12 - H19 (On site roads - phasing )**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

**13 - H29 (Secure covered cycle parking provision )**

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

**14 - H30 (Travel plans )**

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

**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 - No plant, materials or equipment shall be deposited on site until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:**

- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.**
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree**

works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.

- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of No-Dig construction.
- l) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- m) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- n) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).
- o) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- p) the timing of the various phases of the works or development in the context of the tree protection measures.

17 - No plant, materials or equipment shall be deposited on site until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

18 - If within a period of five years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations.

19 - There shall be no further fencing erected alongside the northern boundary of the application site. (Adjacent to the B4362 public highway).

Reason: In the interests of the rural amenity of the surrounding landscape.

20 - 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 [special] architectural or historical interest.

21 - The first floor window in the eastern elevation of the dwelling located on Plot Number 5 as indicated on the Planning layout - drawing number 13045/05/01G will be in opaque glazing and non-opening.

Reason: In order to protect the privacy and amenity of the adjoining dwelling to the application site.

**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 – NW07/3721/F.

Residential development comprising 35 dwellings with car parking, new access road and landscaping on land adjacent to The Birches, Shobdon, Herefordshire.

1. The developer or successor in title shall provide 12 affordable housing units as indicated on amended plan ref. No. 13045/05/01G 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 4 x 2 bed roomed, 3 x 3 bed roomed and 2 x 4 bed roomed houses for rent and 2 x 2 bed roomed and 1 x 3 bed roomed 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 £56, 000, which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council towards management and maintenance of the site.

3. The developer or successor in title covenants with Herefordshire Council to provide an on-site play area to the Council's MUGA standard, (Multi Use Games Area). The MUGA shall cover an area of 16 x 26 metres and shall be surrounded by landscaped screening as considered acceptable to the Council's specifications.
4. The developer or successor in title covenants with Herefordshire Council to pay Herefordshire Council the sum of £70,000 to provide education improvements to Shobdon Primary School and Wigmore High School. This sum shall be paid on or before the commencement of development.
5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £37,500 towards, but not necessarily limited to, providing sustainable transport improvements relating to the transport needs of Shobdon. 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) Provision and improvements to cycle route on land outside the applicant's and site owner's control towards the village centre.
  - b) Footway improvements such as widening to current standards and providing dropped kerbs between the development and the village centre.
  - c) Junction Improvements at C1032/B4362 public highways.

6. 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 £22,050 which sum shall be paid on or before the commencement of development.
7. Prior to occupation of any of the dwellings on site, the developer or successors in title, will ensure that the overhead power line, over the public open space/play area as indicated on amended plan ref: 13045/05/01G will be re-directed under ground at no cost to the Council.
8. Prior to occupation of any of the dwellings on site the developer or successor in title will provide a pedestrian/cycle route from the application site to 'The Grove' playing field located to the south east of the application site and a link pedestrian/cycle route to The Birches housing estate located adjacent to the western side of the application site, in accordance with details to be submitted and agreed in writing with the Local Planning Authority before development on site is commenced.
9. In the event that Herefordshire Council does not for any reason use the said sum of Clause 2, 4, 5 and 6 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.
10. The sums referred to in paragraphs 2, 4, 5 & 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such

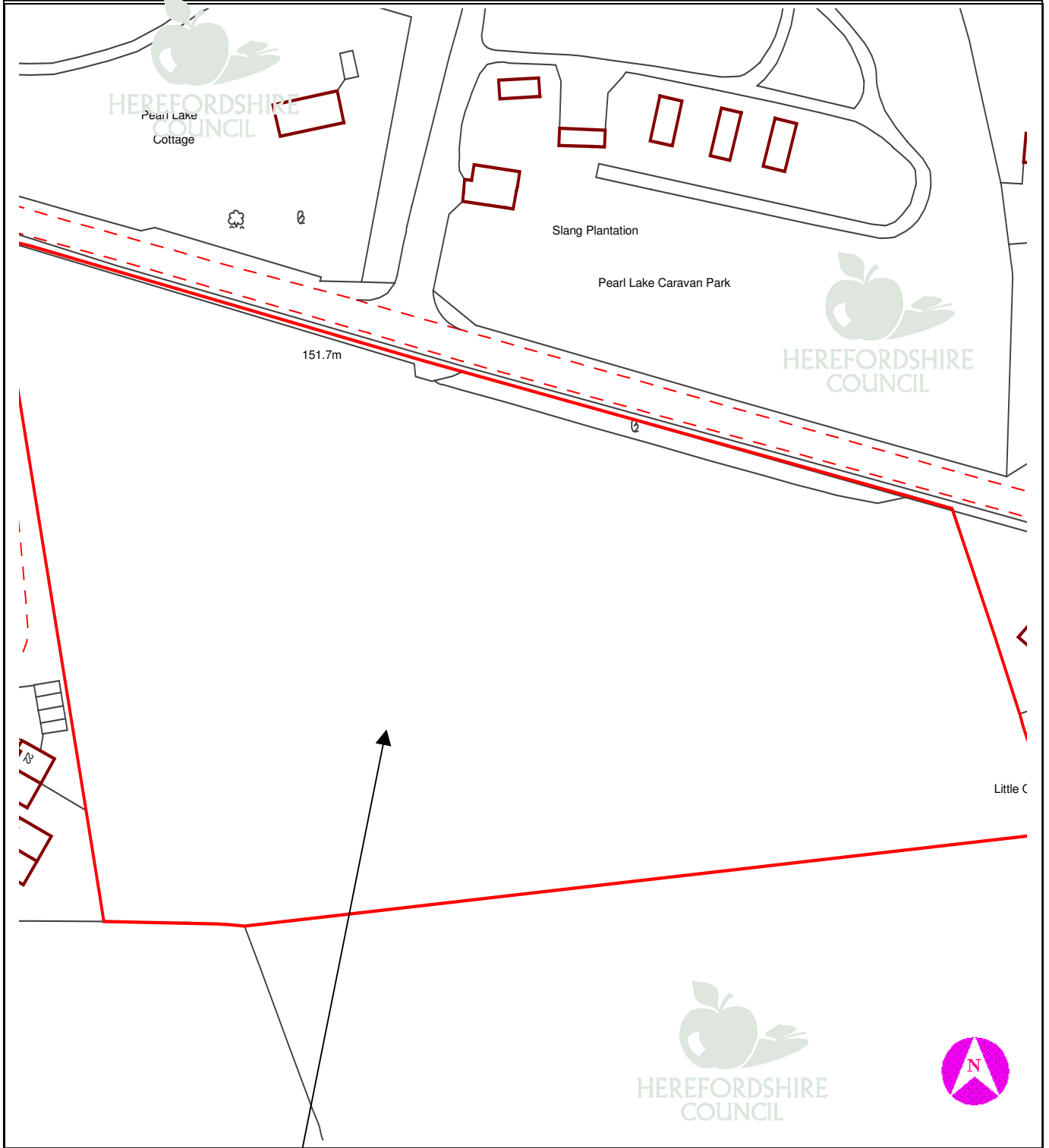
sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

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

12. The developer shall complete the Agreement by 1<sup>st</sup> March 2008 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 27<sup>th</sup> December 2007

AREA SUB-COMMITTEE



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

**APPLICATION NO:** DCNW2007/3721/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to The Birches, Shobdon, Leominster, Herefordshire, HR6 9NQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



**9 DCNC2007/3520/F - ERECTION OF OFFICES AND DWELLINGS WITH ASSOCIATED DEMOLITIONS AND SITE WORKS. 40/42 WEST STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8ES**

**For: Mr M.A. Thomas per Cleobury Land Use Consultancy, 8 Talbot Square, Cleobury Mortimer, Kiddminster, DY14 8BQ**

**Date Received: 13th November 2007**

**Ward: Leominster  
South**

**Grid Ref:  
49498, 59035**

**Expiry Date: 12th February 2008**

Local Members: Councillors D. Burke and R. Hunt

**1. Site Description and Proposal**

- 1.1 The application site covers an area of approximately 0.1225 ha (1225 m<sup>2</sup>), and is located to the rear of 40/42 West Street (currently occupied by a furniture retail shop). The site is located within the Conservation Area.
- 1.2 Presently on site is a flat roof office block of steel and brick external construction. The floor space of which is mostly unoccupied with the exception of a dental practice. This particular structure is considered unattractive, as is the rest of the application site in relationship to the surrounding Conservation Area.
- 1.3 The site is adjoined by other 'backland development' chiefly comprising residential and office accommodation. To the south of the site from which public highway access is obtained in West Street, this street is primary in retail use, forming part of the town's central shopping and commercial area. To the east of the application site is a public car park.
- 1.4 The application is for re-development of the site comprising of 10 two-storey dwellings, 2 office units, with a residential flat above. It is proposed to arrange the development in two terrace blocks, one facing east alongside the eastern boundary of the application site consisting of 7 residential two-storey units, 2 offic units and a flat above. The other terrace is located within the north western section of the site, facing south, and consisting of three residential two-storey units of similar individual design to the two-storey dwelling units in the main terrace.
- 1.5 The internal layout of the two-storey residential units consists of a lounge, kitchen and W.C. on the ground floor and two bedrooms and a bathroom on the first floor. The proposed flat above the two retail units is also of similar proportions.
- 1.6 It is proposed to landscape the remainder of the site, providing a parking space for delivery vehicles to the proposed office units and the existing adjacent retail unit.
- 1.7 The application is subject to a Section 106 Agreement under the Town and Country Planning Act 1990 for financial contributions towards public highway improvements,

open space provision and local school improvements. ( A Draft Heads of Terms proposal is attached to this report).

- 1.8 The scheme under relevant local policies does not require provision of affordable residential units, as the amount proposed is under the threshold for affordable house provision. The two-storey dwellings having an externally measured floorspace of approximately 68 square metres. Information provided in support of the application indicating the applicant wishes to retain ownership of the properties for rental purposes.

## 2. Policies

### 2.1 Central Government Guidance

Planning Policy Statement 1 - Delivering Sustainable Development  
 Planning Policy Statement 3 – Housing  
 Planning Policy Guidance 13 – Transport  
 Planning Policy Guidance 15 – Planning and Historic Environment

### 2.2 Herefordshire Unitary Development Plan: 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S4	-	Employment
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy HBA6	-	New Development Within Conservation Areas
Policy ARCH1	-	Archaeological Assessment and Field Evaluations
Policy ARCH6	-	Recording of Archaeological Remains
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy CF2	-	Foul Drainage

## 3. Planning History

- 3.1 NC05/3390/F Proposed erection of shops and dwellings with associated demolition and site works - Withdrawn 2nd December 2005.
- 3.2 NC05/3386/L Demolition of buildings at 40/42 West Street - Withdrawn 2nd December 2006.
- 3.3 NC06/1125/F Proposed alterations to facade of existing building - Approved subject to conditions - 2nd June 2006.

- 3.4 NC06/1129/F Erection of shops and dwellings with associated demolition and site works - Approved subject to conditions and a Section 106 Agreement - 29th November 2006.
- 3.5 NC06/1130/C Demolition of buildings - Approved subject to conditions - 2nd June 2006.

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

##### Statutory Consultations

- 4.1 Welsh Water raise no objections subject to inclusion of appropriate conditions to any subsequent approval notice issued.

##### Internal Council Advice

- 4.2 The Transportation Manager raises concerns about pedestrian access to the site otherwise no objections subject to agreement to a Section 106 Agreement for financial contribution totalling £16,500 towards local sustainable transport measures and conditions attached to any subsequent approval notice issued regarding cycle parking.
- 4.3 The Conservation Manager raises concerns about the overall design of the proposed scheme and in particular in respect of the proposed fence alongside the eastern street side of the proposed development.
- 4.4 Education Manager request a contribution towards local education needs.
- 4.5 Forward Planning Manager states that the principle of a mixed-use development on this site could be supported, and that developing the site would improve the surrounding streetscape.
- 4.6 The Archaeological Manager raises no objections subject to inclusion of standard conditions in respect of an archaeological investigation prior to development on site.
- 4.7 The Parks and Countryside Manager raises no objections in consideration of the location of the proposed development. However, a financial contribution of £500 per dwelling would be required towards improvements at the nearby Sydonia Open Space.

#### **5. Representations**

- 5.1 Leominster Town Council recommends approval and suggest that cycle racks be incorporated in the proposal.
- 5.2 Leominster Civic Society has commented on the application stating that they consider the proposal is unworkable to a ludicrous degree and constitutes unsustainable overdevelopment of the site.  
The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

6.1 The key issues of consideration for this application are:-

- Principle of the development
- Section 106 Agreement
- Design and layout of proposal
- Section 106 Agreement

### Principle of the development

- 6.2 The site for the proposed development is within the Central Shopping and Commercial Area and Conservation Area in accordance with policies in the Herefordshire Unitary Development Plan 2007.
- 6.3 The aim of these policies is to maintain and enhance the attractiveness, vitality and viability of the town centre and encourage a mix of use including residential.
- 6.4 The proposal subject to this application is for demolition of existing structures on site which are mainly redundant office space and development consisting of two office units and 11 residential units.
- 6.5 The site is presently an unattractive brown field site in a prominent position near the heart of the town overlooking a car park within the Conservation Area.
- 6.6 Leominster Town Council raises no objections subject to consideration shown for the provision of on-site cycle racks. This issue of concern has been addressed.
- 6.7 The proposal complies with National Planning Guidance, in that it proposes residential accommodation within the town's centre, and the site is not located within the main shopping area, but on an important site leading to a car park that serves the town centre. Existing office accommodation on site is of poor quality and only contains a dentist, proposing to re-locate within the town.
- 6.8 This application is a re-submission of a previous application (ref. NC2006/1129/F) approved subject to conditioning and a Section 106 Agreement on 29<sup>th</sup> November 2006. For residential development of the same amount of units as the current one and two office units, instead of 2 retail units, as subject to the previous approved application.
- 6.9 The reason for the re-submission is that the applicant was unable to negotiate a satisfactory settlement with the Council (as land owner) on an easement for right's of access and light alongside the frontal eastern elevation of the site. Information provided in support of the application stating that the financial viability of the scheme would be compromised in consideration of the Council's financial request.
- 6.10 Therefore, the only difference to this application from the previous application is the fact that the development is set 1.5 metres further back into the site alongside the site's eastern elevation, with wrought iron railing positioned alongside the eastern boundary to prevent access from the site onto council owned land. As a result of this variation the two previously approved retail units, alongside the eastern elevation have been amended to 'office accommodation' with access obtained from within the site. Office accommodation is currently a land use on the site with no retail on site. There is no access to the site via the central car park.

Design and Layout of Proposal

- 6.11 The current layout proposed is as a result of the applicant being unable to negotiate a satisfactory rights of easement as previously explained in this report.
- 6.12 The resulting change amounting to the overall development being set 1.5 metres further back into the site from its eastern elevation, wrought iron railings proposed for the eastern boundary and change of 2 retail units to office accommodation.
- 6.13 This revision is in officers' opinion satisfactory and a relatively minor amendment to that of the previously agreed scheme. The wrought iron fencing will be in keeping with the proposed residential development and is required to provide a physical separation between the application site and Council owned land. In fact it could be argued that the proposed residential and office accommodation units with the wrought iron fence boundary will be visually more attractive than the existing tall brick wall alongside the eastern boundary of the site. The original approved retail units being replaced with office accommodation is also an acceptable amendment in consideration of the rights of access concerns, making retail use unviable economically.
- 6.14 Therefore the revised scheme does partly address concerns raised by Leominster Civic Society, who were particularly concerned about public access to 'retail units' as originally proposed.
- 6.15 The Civic Society also raises concerns about unsustainable over-development of the site. It is noted the Council's Forward Planning Manger raises no objections to the proposed development, which is to the same density as the previously approved scheme. The site location is within very close proximity to Leominster town centre and therefore sustainable alternative modes of transport are available as well as service provision. The overall built design being very similar to the previously approved scheme.
- 6.16 The Conservation Manager's main issue of concern with the proposal is the fact that the applicant proposes a wrought iron fence alongside the frontal eastern elevation of the application site, wishing to see it replaced with a pavement alongside the street frontage.
- 6.17 In consideration of rights of easement issue, it is considered the wrought iron fencing proposed is the most acceptable solution under the circumstances, as a pavement would not resolve the easement issue.

Section 106 Agreement

- 6.18 The Section 106 Agreement will facilitate the financial contributions required for education, play/park space, provision and public highway improvements. A Draft Heads of Terms is attached to this report which provides an outline of the requirements of the Section 106 Agreement. This is similar to the previous agreement without the requirement for loss of car parking provision on council land due to the current proposal no longer requiring the loss of those spaces.

## **7. Conclusions**

- 7.1 The proposal represents a significant opportunity to improve the visual impact of this area of Leominster that is located within close proximity to the heart OF Leominster within its Conservation Area, The proposal is in-line with Nation Government Guidance and local policies. No objections have been received from members of the public or the Town Council. The applicant has indicated agreement to the Draft Heads of Terms that will form the basis of a Section 106 Agreement.

## **RECOMMENDATION**

**That planning permission be granted subject to:**

- 1. The Legal Practice Manager 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 any additional matters and terms as he considers appropriate.**
- 2. Upon completion of the afore mentioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:-**
- 3 - A01 (Time limit for commencement (full permission))**

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

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

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

- 5 - F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**

- 6 - No materials or substances shall be incinerated within the application site during the construction phase.**

**Reason: To protect the residential amenities of the neighbouring properties.**

- 7 - Prior to the construction of any re-development on site details will be submitted to the Local Planning Authority and approved in writing of additional noise insulation to the bedrooms of units 1, 2 and 3.**

**Reason: In order to protect the amenity of residents of these dwellings within close proximity to a licensed premises/pool hall.**

- 8 - Prior to development on site details will be submitted to the Local Planning Authority and approved in writing of the office front design and the glazed units as indicated on the approved plans.**

**Reason: In the interests of the amenity of the surrounding Conservation Area.**

- 9 - Prior to development on site details will be submitted and approved in writing to the Local Planning Authority of treatment of the boundary walls and fencing.

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

- 10 - No meter boxes will be sited on public facing elevations.

Reason: In the interests of the amenity of the surrounding Conservation Area.

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

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

- 12 - C05 (Details of external joinery finishes)

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

- 13 - 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 the surrounding area.

- 14 - C11 (Specification of guttering and downpipes)

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

- 15 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 16 - H29 (Secure covered cycle parking provision)

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

- 17 - E16 (Removal of permitted development rights)

Reason: To protect the character of the area and ensure any further development of the site is controlled by the local planning authority.

- 18 - Foul water and surface water discharges must be drained separately from the site.

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

- 19 - 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.

- 20 - No land drainage run-off will be permitted either directly or indirectly to discharge into the public sewerage system.

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

- 21 - No building on the application site shall be brought into beneficial use earlier than April 2008, unless the upgrading of the public sewerage system (which the development shall drain into) has been completed and written confirmation of this has been issued by the Local Planning Authority.

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

- 22 - G04 (Landscaping scheme (general))

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

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

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

- 24 - D01 (Site investigation – archaeology)

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

- 25 - D04 (Submission of foundation design)

Reason: The development affects a site on which archaeologically significant remains survive. A design solution is sought to minimise archaeological disturbance through a sympathetic foundation design.

- 26 - Prior to any development on site details will be submitted and approved in writing to the Local Planning Authority of any street furniture and means of artificial lighting within the application site and alongside the eastern side of the application site.

Reason: In the interests of the amenity of the surrounding Conservation Area.

#### **Informatives:**

1. If a connection is required to the public sewerage system, the development is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.
2. N15 - Reason(s) for the Grant of PP/LBC/CAC.
3. HN01 - Mud on highway.
4. HN04 - Private apparatus within highway.
5. HN05 - Works within the highway.



- 6. HN22 - Works adjoining highway.
- 7. N19 - Avoidance of doubt

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

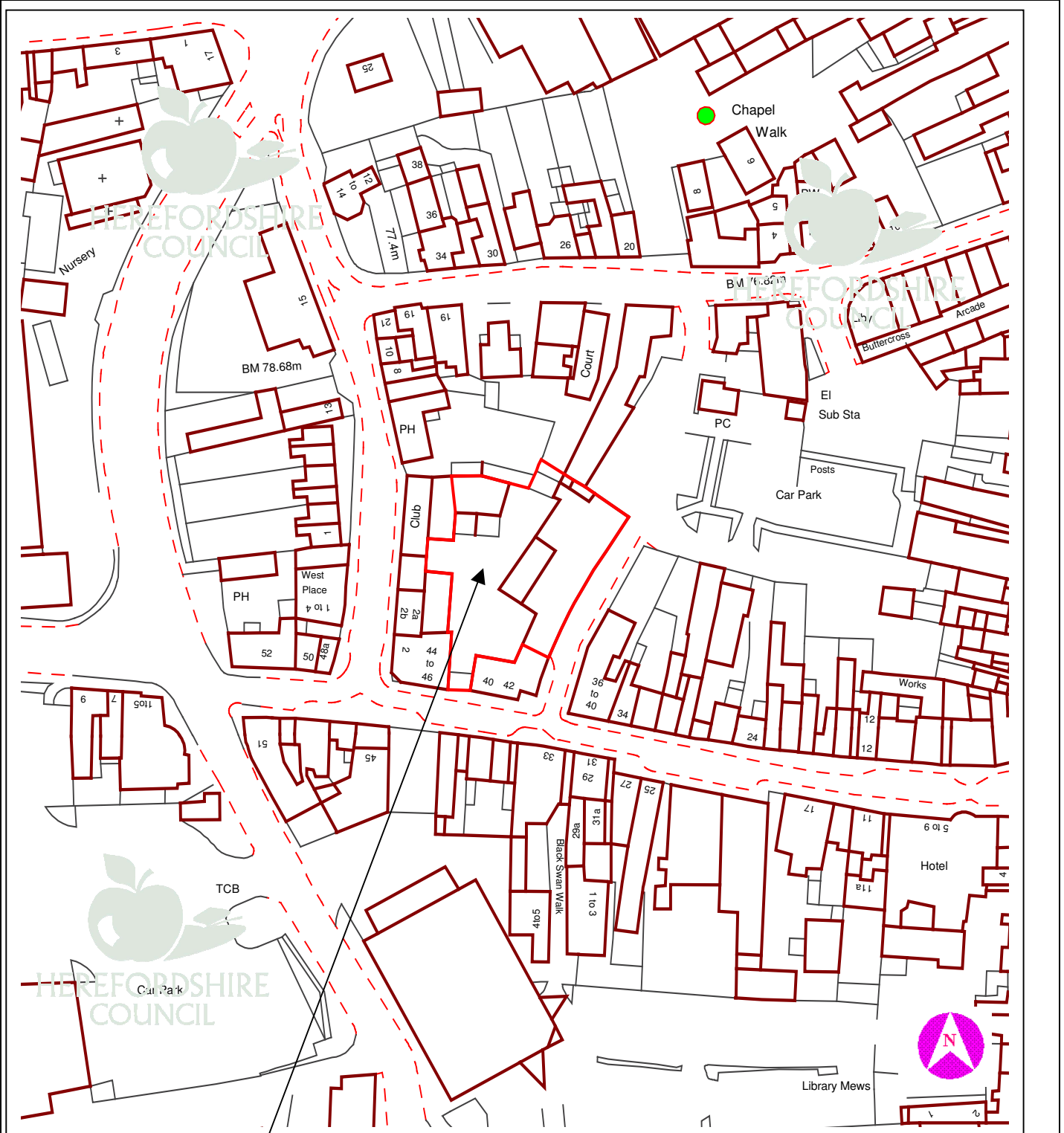
DRAFT HEADS OF TERMS  
Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

Planning Application – DCNC07/3520/F  
Erection of offices and dwellings with associated demolition and site works.  
At 40/42 West Street, Leominster, 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 £5,500 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) Infrastructure improvements in relationship to Sydonia Open Space and access paths to the play area.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,500 to provide education improvements to Leominster Infants School and Leominster Junior School to paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £16,500 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development.
5. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Pedestrian improvements in Burgess Street, Broad Street.
  - b) Town Centre pedestrian improvements and/or signing.

- c) Town centre cycle parking provision.
  - d) Contribution to safe routes to schools.
  - e) Contribution to National Cycle Network, (Sustrans) provision and signing.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 3 and 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.
7. The sums referred to in paragraphs 1, 3 and 4 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 1<sup>st</sup> February 2008 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 3<sup>rd</sup> December 2007



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

**APPLICATION NO:** DCNC2007/3520/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 40/42 West Street, Leominster, Herefordshire, HR6 8ES

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

**10 DCNC2007/3391/F - PROPOSED SITE FOR 10 DWELLINGS AT FORMER ORPHANS PRESS SITE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT****For: Mrs M Ford per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE****Date Received:**  
**30th October 2007****Ward: Leominster South****Grid Ref:**  
**49644, 58030****Expiry Date:**  
**29th January 2008**

Local Member: Councillor D Burke &amp; Councillor J Thomas

**1. Site Description and Proposal**

- 1.1 The site to which this application relates is located on the southern side of Laundry Lane, Leominster and is the site of the former Orphans Press printing works. The company have since moved to a site on Leominster Enterprise Park.
- 1.2 The site is roughly rectangular and is approximately 50 metres in depth with a 40 metre frontage onto Laundry Lane. An electricity sub station is located in the north eastern corner but is not part of the application site. The plot is dominated by the former printing works building which is set back from the road with a tarmaced parking area in front. A smaller building defines the southern boundary of the site running almost along its entire length.
- 1.3 The site is flat but set at a higher level to the bungalow immediately to the east, the difference in ground level being approximately 0.75 metres. It is surrounded on all boundaries by private residential dwellings with buildings on the opposite side of Laundry Lane hard against the roadside.
- 1.4 The proposal is for the demolition of the existing buildings on the site and for its re-development with a scheme for 10 houses, comprising four 2 bed and six 3 bed dwellings. Two pairs of semi detached properties are positioned either side of an access onto Laundry Lane, being set back from the road edge by a minimum of 3 metres. A further pair of semis are positioned mid-way into the site on the eastern boundary with a terrace of four positioned along the southern boundary. Each dwelling is provided with two parking spaces and the submitted block plan also indicates the provision of secure cycle storage buildings. All dwellings have front and rear access and the block plan also indicates areas of landscaping.
- 1.5 The elevations of the dwellings take their lead from the buildings on the opposite side of Laundry Lane with 45 degree roof pitches and the use of dormer windows and gabled arrangements to break their mass. The application form indicates that external materials will be brick and tile.
- 1.6 The application is accompanied by a design and access statement and also a Desk Study Report into the potential contamination of the site.

## 2. Policies

### Herefordshire Unitary Development Plan

DR1 – Design

DR2 – Land use and activity

DR3 – Movement

DR10 – Contaminated land

H1 – Hereford and the market towns: settlement boundaries and established residential areas

H13 – Sustainable residential design

H14 – Re-using previously developed land and buildings

H15 - Density

H16 – Car parking

H19 – Open space requirements

E5 – Safeguarding employment land and buildings

## 3. Planning History

None identified.

## 4. Consultation Summary

### Statutory Consultations

4.1 None required

### Internal Council Consultations

4.2 Transportation Manager - Whilst the access along Laundry Lane and its junction with Hereford Road are not consistent with current standards, I consider that the proposed development will not result in an increase of traffic over that existing, or indeed likely if the site was re-developed for commercial use. There are therefore no robust grounds to recommend refusal, and the development is likely to improve highway safety when compared with commercial proposals. Therefore I would raise no objection subject to the imposition of conditions.

4.3 Head of Trading Standards and Environmental Health - Comments as follows:

In general the Geo-environmental desk-study covers the main issues on site, however the following items will need to be addressed when any further submissions are made:

The Conceptual model contained within the report does not appear to include the indoor/out door inhalation pathway from potential solvents or hydrocarbons that may be present within the soils. The conceptual model will need to be updated.

Trading Standards and Environmental Health response was not included within the desk-study report, for completeness these responses should be incorporated in any additional reports.

Prior to the site investigation works commencing, it is recommended that a detailed contaminated land site investigation proposal is submitted for comment.

In terms of the planning application, I would recommend that a planning condition is attached to any planning permission granted to require the updating of the conceptual model contained within desk-study, a site investigation, recommendation of any necessary remediation actions and the implementation of the remedial actions.

4.4 Public Rights of Way Officer - A public footpath passes along Laundry Lane and this will be affected by the development, particularly during the construction phase.

The applicants should ensure that the future residents of the dwellings have lawful authority to drive over the public footpath. This is normally granted by the owner of the land over which the public footpath passes, and is often included in the Title Deeds.

The applicants should note that because the right of way has footpath status it will only be maintained by the highway authority to a standard suitable for use by pedestrians.

Because of the additional number of residents we would request a Section 106 contribution towards improvements in the public rights of way network in line with the emerging Supplementary Planning Guidance on Planning Obligations.

4.5 Landscape Officer - No objection subject to conditions

4.6 Parks, Countryside and Leisure Development Manager - Under current UDP Policy H19 a development of this size would require a small children's play area. No such provision is made on the site. This is supported as they offer little in terms of play value and the preference is for an off-site contribution towards a larger play area.

We would also ask for a contribution towards sports facilities provision in response to advice given by Sport England would require that development contributes towards increasing participation in active sports. Any contribution would be used towards improvements at the Leominster Leisure Centre's multi activity suite.

## 5. Representations

5.1 Leominster Town Council - Recommends refusal as the proposed development is out of keeping. It would place a strain on the infrastructure and in particular the sewerage system and has a hazardous access onto Laundry Lane, which already has high density housing.

5.2 Welsh Water - No objection subject to conditions.

5.3 Eight letters of objection have been received from local residents. In summary the points raised are as follows:

1. Concerns about highway safety at the junction of Laundry Lane and Hereford Road.
2. The proposal will exacerbate traffic congestion along Laundry Lane.
3. Two storey dwellings are not in keeping with the area. Any development should be single storey.
4. Loss of privacy and amenity.
5. Concerns over the capacity of the sewerage system.
6. Query over the ownership of Laundry Lane.

5.4 The applicant agent has submitted an additional statement in relation to concerns raised over highway safety and this reads as follows:

The previous occupants of the site (Orphans Press) employed 20 staff, many of whom drove to work. In addition the metal plating works at the rear had four employees.

The 15 dedicated parking spaces on site were generally fully occupied by employee's cars, some of whom would drive into the town centre during lunchtime.

In addition to staff traffic manoeuvres there were numerous clients visiting every day as well as daily deliveries of supplies and dispatches of finished goods generally by vans but sometimes by articulated lorries which had to reverse down the lane. Any other light industrial use on this site would probably generate similar traffic movements.

By comparison the traffic generated by the new dwellings would be considerably less than previously experienced given that there would be a maximum of 20 cars parked on site.

- 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 main issues are summarised by the objections raised by local residents and each will be dealt with in turn.

### **6.2 Highway Safety**

The comments of the Transportation Manger and the applicant's agent deal with this matter in detail. In short, a valid industrial use remains on the site that falls within Class B2 of the Town and Country Planning (Use Classes) Order. If an alternative use falling within Class B2 were to be continued on the site it could generate a similar, or even greater, number of traffic movements without restriction. Therefore a comparison has to be drawn between the most recent use of the site and this proposal in terms of traffic generation and highway safety.

The Transportation Manager accepts that the junction of Laundry Lane and Hereford Road is not up to current standards, but concludes that the highway safety may actually improve as a result of the removal of commercial vehicles and their associated movements from the junction.

The plans ensure the provision of two spaces per dwelling. This exceeds the 1.5 space per dwelling requirement of Policy H16 of the UDP but this will help to ensure that there is no indiscriminate parking along Laundry Lane itself should planning permission be granted.

The current valid use of the site is an important material planning consideration in terms of highway safety and it is therefore concluded that, in a worst case scenario, there will be no change to it, but more likely that the removal of commercial traffic movements will actually result in an improvement to highway safety.

### **6.3 Design Issues**

Notwithstanding the comments from the objectors, there is a mix of single and two storey development in the locality and there is no justification to withhold planning permission in design terms on the basis that this is for two storey accommodation.

The design is typical of a residential development and does pay some regard to the appearance of the buildings immediately opposite. The use of gabled wings and dormer windows, combined with the arrangement of the buildings, helps to break up the bulk and massing of the scheme as a whole. The scheme is generally well proportioned and laid out and affords each dwelling with its own parking and private amenity space. In order that this is maintained, it is recommended that permitted development rights are removed by condition.

The scheme is of an acceptable design and accords with the relevant policies in this respect.

### **6.4 Amenity Issues**

Like the matters arising from the design, the key is whether a two storey development results in an unacceptable detriment to residential amenity, either as a result of overlooking or as a result of any domineering effect that it might have.

The only plots that potentially cause any detriment in either respect are plots 1 to 4. It is clear that the internal layout of them has been carefully considered both in terms of the dwellings



opposite and the two bungalows either side (Chalgrove and The Lilacs). As a result there are no habitable room windows opposing the building on the opposite side of the road. Windows at first floor in the front elevation serve bathrooms whilst bedroom windows are in the side elevations. For plots 2 and 3 this means that windows look on to the centrally positioned access into the site. For plots 1 and 4 they look on to the adjacent bungalows. With regard to Chalgrove this results in a window looking onto a blank side elevation. The Lilacs has a lower ground level and therefore the window looking across it looks over its roof and beyond. In both cases there is unlikely to be any demonstrable loss of privacy as a result of this proposal.

With regard to the dominance of the development, it has previously been stated that the massing is broken by the design of the buildings and the spacing afforded between them. The dwelling on plot 4 is some 7 metres from The Lilacs and, although the ground level is higher, it will not result in a domineering effect to any greater extent than the buildings currently on the site.

It is concluded that the scheme does not result in any demonstrable loss of residential amenity and therefore is acceptable in policy terms in this respect.

### 6.5 Land Ownership

Ultimately this is civil matter and not one to restrict the granting of planning permission in itself. It is accepted that there is a longstanding issue with the ownership and maintenance of Laundry Lane and this has never been satisfactorily resolved. However, planning permission has been granted elsewhere along Laundry Lane for residential development and the matter has been raised previously. It has not led to permission being refused before, nor should it in this instance. The Rights of Way Officer has offered a detailed response which has been summarised in this report in respect of the public footpath and the responsibility for its maintenance, and the applicant can be advised of this through the inclusion of a series of notes attached to any planning permission.

### 6.6 Other Issues

The applicants have advised that they are agreeable to paying a contribution towards open space and sports improvements, the details of which are appended to this report as a Draft Heads of Terms.

The loss of employment land is also a material planning consideration, and again this links in with other points of consideration examined earlier in this report. Policy E5 states that a loss of employment land will only be permitted if, amongst other things, there would be substantial benefits to residential amenity in allowing alternative forms of development. A B2 use in a primarily residential area is not at all desirable and it would be beneficial to amenity if this use were to be removed from the site.

It is therefore concluded that the proposal accords with policy and, subject to a Section 106 Agreement to secure contributions to open space and sports provision, the application is recommended for approval.

### **Recommendation**

**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 this report and any additional or amended matters which he considers to be necessary or appropriate.**

**Upon completion of the above-mentioned planning obligation agreement Officer 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: In order that the local planning authority can consider the implications of any future development.**

**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 - 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 - G04 (Landscaping scheme (general) )**

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

**9 - G05 (Implementation of landscaping scheme (general) )**

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

**10 - 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.**

**11 - H29 (Secure covered cycle parking provision )**

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

**12 - W01 (Foul/surface water drainage )**

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

**13 - 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.

**14 - W03 (No drainage run-off to public system )**

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

**15 - 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) 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 an 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.

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

- 1 - HN02 - Public rights of way affected**
- 2 - HN03 - Access via public right of way**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - HN22 - Works adjoining highway**
- 7 - HN23 - Vehicular use of public rights of way**
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 9 - 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 – DCNC2007/3391/F

Proposed erection of 10 dwellings on land at former Orphans Press site, Laundry Lane,  
Leominster

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 £9,000 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:

Improvements to the neighbourhood park at Sydonia, including its surrounding footpaths

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,300 (in accordance with the Sport England Sport Facility Calculator) for improvements at the Leominster Leisure Centre's multi activity suite which sum shall be paid on or before the commencement of the residential development.
3. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1 and 2 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.

- a) 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

---

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

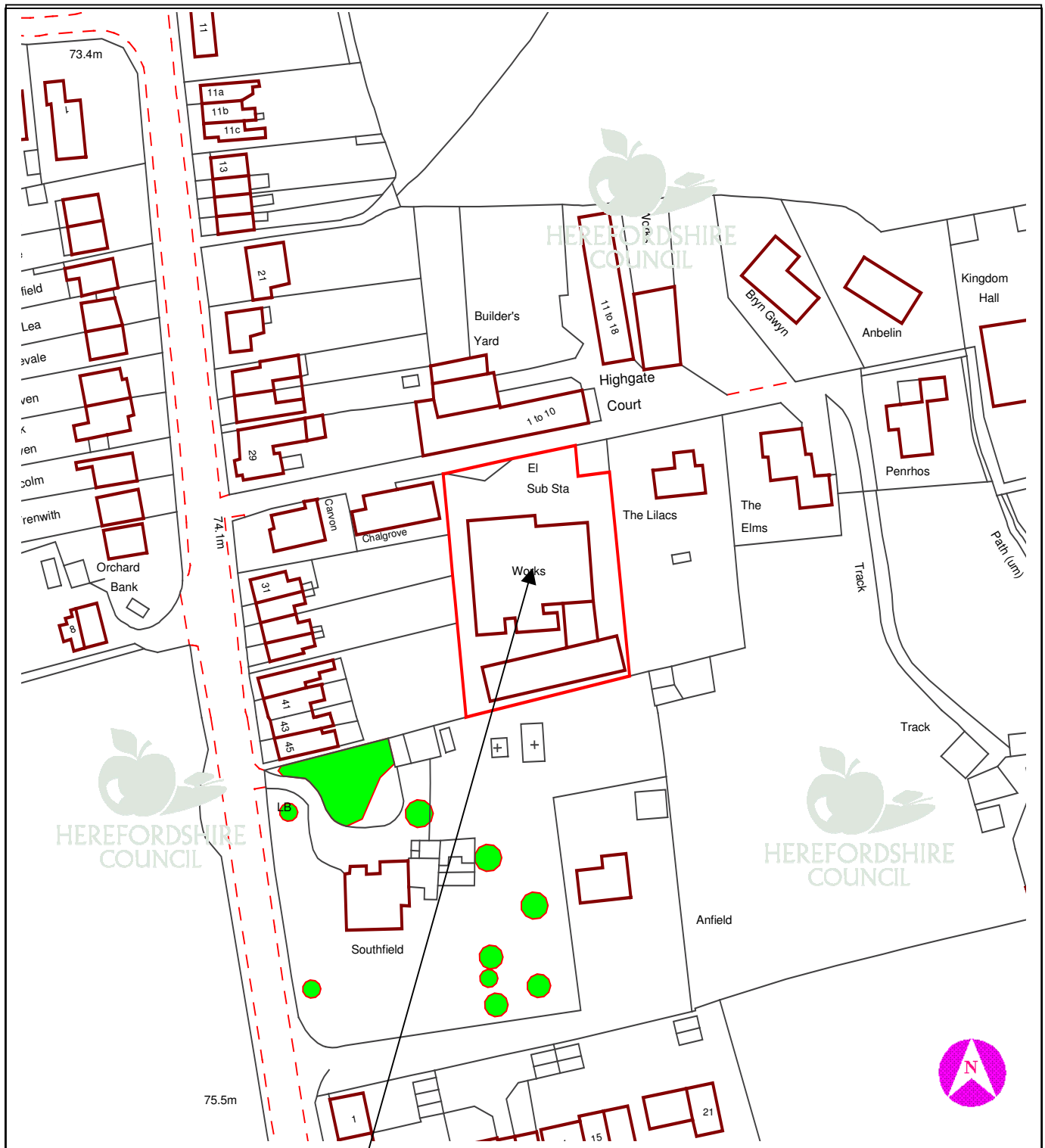
sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

- b) 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.
- c) The developer shall complete the Agreement by 28<sup>th</sup> January 2008 otherwise the application will be registered as deemed refused.

Andrew Banks – Principal Planning Officer

Peter Yates – Development Control Manager

3<sup>rd</sup> December 2007



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

**APPLICATION NO:** DCNC2007/3391/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Former Orphans Press Site, Laundry Lane, Leominster, Herefordshire, HR6 8JT

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005





**11 DCNC2007/3365/F - CHANGE OF USE OF PROPERTY TO HOUSE OF MULTIPLE OCCUPATION AT SHAW'S HOUSE, 18 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ**

**For: Mr J T W Lyon, 22 Old Forge, Whitbourne, Worcestershire, WR6 5SB**

**Date Received:**  
29th October 2007

**Ward: Bromyard**

**Grid Ref:**  
65283, 54723

**Expiry Date:**  
24th December 2007

Local Member: Councillor P Dauncey

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

- 1.1 The application relates to 18 Old Road Bromyard. It is a stone built dwelling within the established residential area of the town. It is part of a terrace fronting onto the pavement edge and has an attractive symmetry with two bay windows either side of a central doorway.
- 1.2 The application is retrospective and is for the use of the dwelling as a house in multiple occupation (HMO). At the time of inspection the property was being occupied by six individuals sharing two bathrooms and one kitchen. The dwelling has a private garden to the rear but no off street parking.

### **2. Policies**

Herefordshire Unitary Development Plan

H17 – Sub-division of existing housing  
TCR2 – Vitality and viability

### **3. Planning History**

- 3.1 None identified.

### **4. Consultation Summary**

Statutory Consultations

- 4.1 None required

Internal Council Consultations

- 4.2 Transportation Manager - No objection subject to condition requiring details of cycle parking.
- 4.3 HMO & Enforcement Officer - This property came to the attention of the Private Sector Housing Team in June 2007. It is a terraced house with 3 bedrooms, 2 receptions, kitchen, shower room, bathroom 2x WCs. It is currently being used as an unlicensed HMO, with 3 bedrooms and 2x receptions being used as 5 bedrooms. The facilities are currently only suitable for 3 occupants as there is only 1 kitchen. We have no records of the prior use of this property as an HMO.

## **AREA SUB-COMMITTEE**

There is a requirement for all HMO's in Herefordshire to be licensed as The Herefordshire Council has both Mandatory & Additional HMO Licensing under the new Housing Act 2004.

There is a shortage of this type of accommodation in Herefordshire. The property is in good condition apart from a lack of fire precautions and a second kitchen.

It would be suitable for multiple occupancy, subject to the requisite standards for HMO's in Herefordshire being met, (in terms of occupancy numbers, suitable fire precautions in place, free of absence of Category 1 Hazards and sufficient facilities for the storage, preparation & cooking of food).

If planning permission is granted on current occupancy levels, Private Sector Housing will serve Enforcement Notices under the Housing Act 2004 to limit the occupancy to a level commensurate with the facilities that can be comfortably provided. Alternative suggestions about the current use of the accommodation have been made to the applicant, which would enable him to have 6 occupants maximum in 4 bedsits.

Therefore Private Sector Housing has no objection, in principle, to a change of use to an HMO, but would seek a restriction in the number of occupants permitted.

### **5. Representations**

5.1 Bromyard Town Council - Do not support the application as it was felt that the proposal will be detrimental to the residential amenity of other residents in the area.

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

### **6. Officers Appraisal**

6.1 Policy H17 of the UDP sets three tests for applications and these are as follows:

1. there is adequate car parking and access.
2. accommodation is of a satisfactory standard including internal layout and private amenity space.
3. there is no undue impact on the character of the property, the amenity of neighbouring dwellings or the amenity and general character of the area.

6.2 The property occupies a town centre location and is within the boundary of the town's conservation area. None of the properties in this part of Bromyard are afforded off-street parking and the nature of the accommodation to be provided is such that residents are likely to be on lower incomes and not likely to be car owners. Accordingly the Transportation Manager has raised no objection to the application, subject to the provision of appropriate cycle parking. There is more than sufficient room in the back garden and a side entrance to achieve this.

6.3 The comments of the Council's HMO & Enforcement Officer are most pertinent in respect of the standard of the accommodation. Apart from the lack of sufficient kitchen facilities for six people, it is noted that the property is in good condition and that there is a lack of the type of accommodation to be provided by this application. It is possible that additional kitchen facilities could be provided quite readily although this may result in the loss of one of the downstairs bedrooms. The suggestion that a condition is imposed to limit the occupancy levels of the property is clearly unnecessary as this is governed by the Housing Act 2004. The application itself

**AREA SUB-COMMITTEE**

does not make reference to specific numbers, merely that a change of use is requested.

- 6.4 The property benefits from its own private garden and therefore the second criteria of the policy is considered to be satisfied.
- 6.5 Finally, the external appearance of the property is unaltered. It is part of an attractive terrace that contributes quite considerably to the street scene. No objections have been received from neighbouring dwellings which suggests that the use of the dwelling as an HMO has not been causing a nuisance and it is concluded that the third criteria is also met. The use will contribute to the vitality and viability of the town centre in the longer term and the scheme is considered to accord entirely with policy. Accordingly the application 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 - **H29 (Secure covered cycle parking provision )**

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

**Informatives:**

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

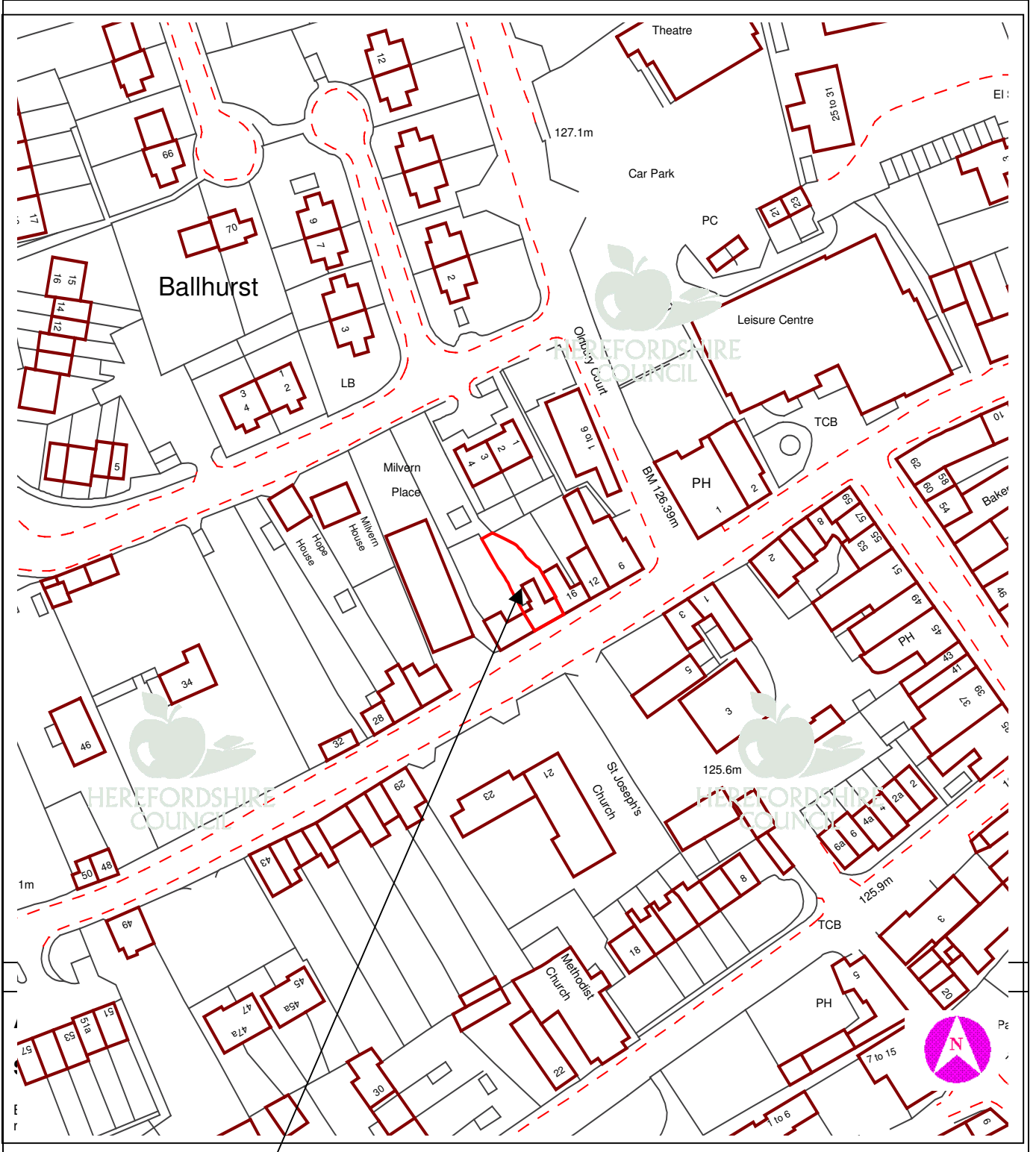
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



Further information on the subject of this report is available from Mr A Banks on 01432 383035

**12 DCNC2007/3420/F - PROPOSED 2 SINGLE STOREY EXTENSIONS (AMENDMENT TO PREVIOUS APPROVED APPLICATION NC2006/0428/F) AT ROWDEN MILL STATION, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS**

**For: Mr & Mrs Wilkinson per RRA Architects, Packers House, 25 West Street, Hereford, HR4 OBX**

**Date Received:**

**1st November 2007**

**Expiry Date:**

**27th December 2007**

Local Member: Councillor T Hunt

**Ward: Bringsty**

**Grid Ref:**

**62701, 56560**

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

- 1.1 Rowden Mill Station is a painstakingly restored railway station that has been converted into a two-bedroom house in the mid 1980's. Externally the building retains the appearance of a station with the platform, track, signals, an engine and rolling stock. Similarly the inside of the building has also been carefully restored.
- 1.2 The main station building is brick built and detailed with stone quoins and window surrounds. It has decorative roof and ridge tiles and three ornate chimney stacks. A single storey flat roof element is attached to the northern gable end and appears to be an original part. An outbuilding lying slightly further to the north is similarly detailed.
- 1.3 The buildings are set back from the road frontage by approximately five metres behind an iron railing fence with a grassed area between.
- 1.4 The application is principally for the addition of an extension to the roadside elevation, but also includes a flat roof addition to the southern gable end.
- 1.5 The main element of the scheme is offset to the north with the main elevation of the station building largely unaltered. The extension sits in front of the outbuilding and is linked to it and the station by a glazed corridor. Its design mirrors that of the existing buildings. Similarly the flat roofed part replicates the original feature attached to the opposite gable end. The plans also show the creation of a parking area to the side of the property.
- 1.6 The extensions effectively double the size of the property from 84 square metres to 159 square metres.

## **2. Policies**

Herefordshire Unitary Development Plan

DR1 – Design

H18 – Alterations and extensions  
HBA12 – Re-use of rural buildings  
HBA13 – Re-use of rural buildings for residential purposes  
HBA8 – Locally important buildings

### 3. Planning History

NC06/0428/F - Erection of a single storey extension - Approved 10th April 2006  
NC05/1566/F - Erection of a single storey extension - Refused 12th September 2005

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required

#### Internal Council Consultations

4.2 Transportation Manager - No objection

4.3 Conservation Manager - Comments as follows:

Being a rare example and essentially in its original state, this is a vitally important building of local interest and worthy of being considered for listing. A request for spot listing is being made. This is a rural building of making significant contributing significantly to the historic rural landscape and together with Fencote are the best preserved railway stations in Herefordshire.

This is a totally inappropriate proposal for this rural building of significant local architectural and historic interest as it would significantly harm the architectural and historic character and setting of Rowden Mill Station:-

This is an enormous extension just in respect of its footprint - It doubles its size. It turns a 2 bed unit into a 4 bedroom dwelling.

The extension is on the principal public side of the building that being the front the arrival side. The architectural details mimic the style of the original building which significantly debases and confuses the historic form and identity of the structure (it should be noted that extensively extended buildings of this age are rarely listed by the Secretary of State, because of the harm that they inflict on the heritage asset).

The new building links the parcel room to the main building something which is rarely supported by the Council, on rural buildings that were designed to be separate,

The flat roofed addition copies the style of the lower level toilet block. None of William Clarke's stations had single storey buildings attached to either end of the main station block. He only designed one to accommodate the ancillary functions and this was always on the side furthest from the entrance, not on the public entrance side. Accordingly it is wholly inappropriate to locate a matching wing on the east end across the historic pedestrian entrance to the station.

Important features such as the post box will be lost by this scheme.

This is clearly in terms of the UDP a rural building that has been converted to a residential use in order to preserve its character. It is an excellent example of that. It has exactly the same planning connotations as a converted barn.

No justification has been made for this extension. It seems to work perfectly well as a small 2 bed roomed dwelling, as does the Fencote station.

The building is not falling into disrepair and no evidence has been produced that it is not viable as it is.

I recommend the application is refused on the grounds of the scale, form, position of the additions, appearance and loss of historic features which would severely harm the local architectural and historic character and setting of this vitally important, rare, well preserved former rural railway station which is an exemplar of how to convert a building to residential use without harming its character, appearance or contribution to the rural landscape. The scheme is contrary to Policies HBA8, HBA12 and SPG on Rural Conversion.

## **5. Representations**

5.1 Bromyard Town Council - No objection

5.2 One letter of objection has been received from Mr P Lambrick, The Station House, Great Wacton Lane, Bredenbury. In summary the points raised are as follows:

1. The extension will be used to provide bed and breakfast accommodation.
2. The proposal will result in increased traffic on an already busy minor road.
3. The extension will virtually abut the road.
4. Parking will actually be reduced whilst traffic movements will increase.

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 The importance and contribution that this group of buildings make to the local area are acknowledged by the comments of the Conservation Manager and clearly he is not supportive of the proposal because of the disruption that this proposal will, in his opinion, cause to their relationship.

6.2 It is clear that the proposal does not accord with policy HBA12 and 13 of the Unitary Development Plan as it does represent the extension of a converted rural building.

6.3 However, planning permission has been granted for the extension of the property by the application described above (NC06/0428/F). It has permitted an extension that completely obscures the front (roadside) elevation of the building and is almost identical in size to the main element to be considered by this application. The existence of this planning permission is therefore an important material planning consideration as far as this application is concerned and the determination of this application is simply a comparison of the two. If it can be found that this is superior in terms of its relationship to the existing buildings then planning permission should be granted.

6.4 As stated previously, the approved scheme completely obscures the front elevation of the main station building. The proposal does not do this as it is set to the side with a

glazed link connecting the two, but it will obscure the outbuilding. In the opinion of the case officer this relationship is more satisfactory than the approved scheme.

- 6.5 The scale of the main element of the current proposal is almost identical to the approved scheme (55 square metres as opposed to 48 square metres). The design approach to replicate the appearance of the existing buildings is very similar in the two schemes. This proposal does allow a differentiation between the two through the use of a contemporary glazed element to link old and new.
- 6.6 Therefore, on balance, the current proposal is considered to be superior to the approved scheme.
- 6.7 Comments regarding the use of the extension as bed and breakfast accommodation are not a material planning consideration in themselves, but the implication that additional traffic movements will be generated is. However, the additional traffic is likely to be negligible and not sufficient to warrant the refusal of this application.
- 6.8 It is therefore concluded that the proposal is acceptable and the scheme 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 - 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 architectural and historical interest.**

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

**Reason: To safeguard the character and appearance of this building of architectural and 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 - C11 (Specification of guttering and downpipes )**

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



**Informatives:**

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

2 - N19 - Avoidance of doubt

Decision: .....

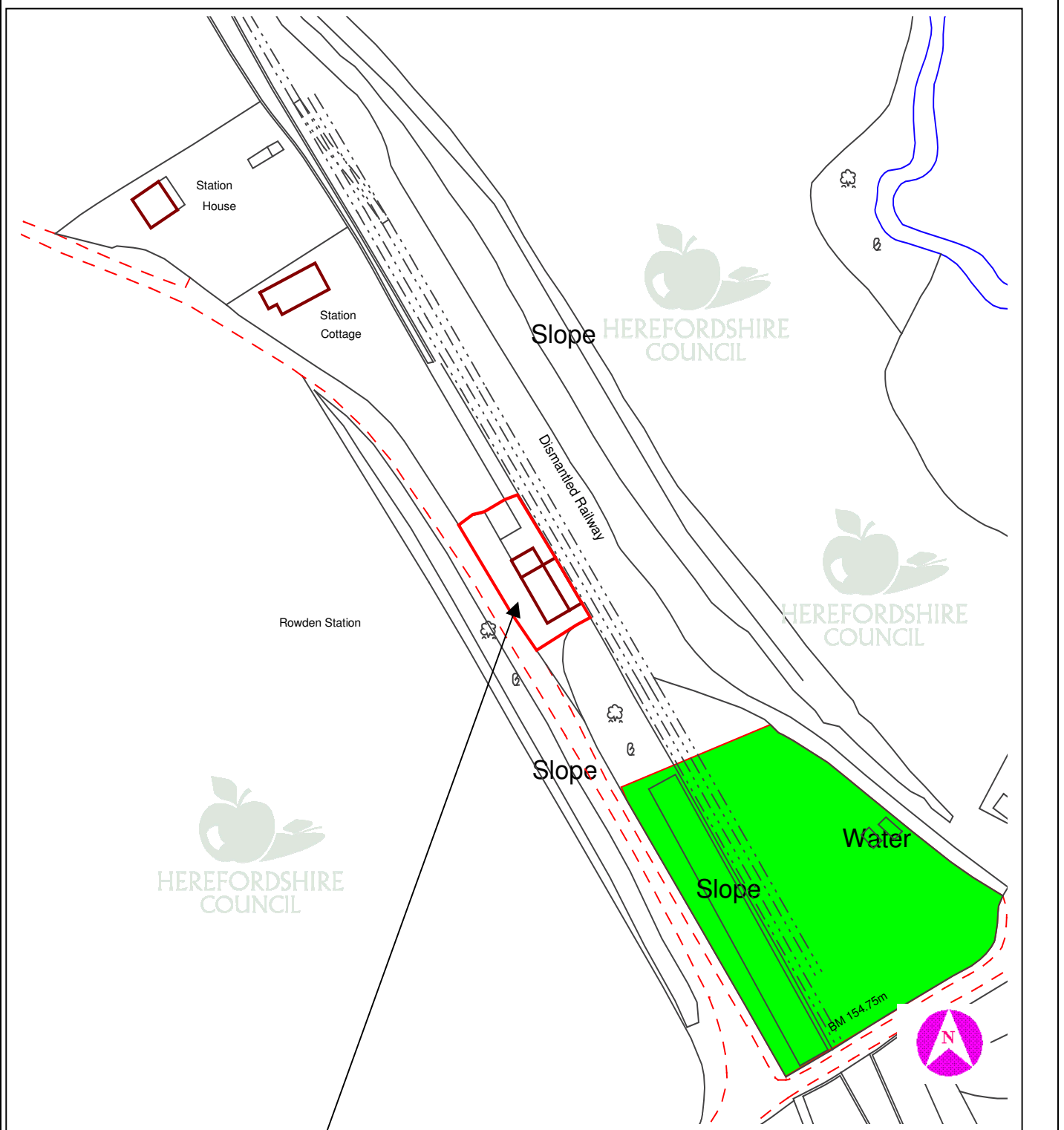
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**AREA SUB-COMMITTEE**



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

**APPLICATION NO:** DCNC2007/3420/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Rowden Mill Station, -, Winslow, Bromyard, Herefordshire, HR7 4LS

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from «CONTACT» on «CONTACT\_TELNO»

**13 DCNC2007/3460/O - SITE FOR PROPOSED  
VETERINARY CENTRE INCLUDING CAR PARKING  
AND LANDSCAPING. PLOT 15, LEOMINSTER  
ENTERPRISE PARK, LEOMINSTER, HEREFORDSHIRE**

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

**Date Received:  
2nd November 2007**

**Ward: Leominster South**

**Grid Ref:  
50013, 57670**

**Expiry Date:  
28th December 2007**

Local Members: Councillor R. B. A. Burker  
Councillor R. Hunt

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

- 1.1 The site area is 0.5 hectares of allocated employment land on the Leominster Enterprise Park. The site is also adjacent to safeguarded employment land where industrial units are located to the south of Leominster town.
- 1.2 The application is made in outline with all matters reserved for future consideration and seeks to erect a veterinary centre. The application is accompanied by an indicative perspective to suggest how the building might appear, and a sequential test to attempt to demonstrate that other sites have been considered for the development but there are none either available or suitable. A feasibility study exploring the re-development of the existing site on Ryelands Road is also included, as is a statement from the applicant's outlining their expansion strategy and a design and access statement.

### **2. Policies**

Herefordshire Unitary Development Plan

DR1 - Design  
E5 - Safeguarding employment land and buildings  
E8 - Design standards for employment sites

The development guide prepared by Advantage West Midlands (AWM) is not an adopted document but provides a broad overview of the requirements for developments on the enterprise park. It is therefore relevant to this application.

### **3. Planning History**

- 3.1 NC2007/1671/O - Site for veterinary centre - Withdrawn
- 3.2 NC99/2883/O - Industrial use of land, construction of access road and ancillary works - Approved 23/12/99
- 3.3 Recent permissions for commercial development on other plots exist and have either been fully implemented or are in the process of being built. Amongst these is the planning permission for West Mercia Constabulary for the new police station (NC2006/0612/F).

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

##### Statutory Consultations

- 4.1 None required

##### Internal Council Advice

- 4.2 Transportation Manager - No objection subject to conditions and a contribution to highway improvements through a Section 106 Agreement as per the Planning Obligations Supplementary Planning Document.
- 4.3 Economic Regeneration Manager - Comments as follows:

I have no objection in principle to the application and to the vets centre being on the Enterprise Park. This is based on the premise that the development is allowing the practice to expand its operations and viability, leading to the creation of several new jobs. Additionally some of the jobs to be created are of high quality and highly paid, therefore assisting us in one of the aspirations of the County Economic Development Strategy, that of creating more and better paid employment. One last point is that I would concur with their assessment that there is no other available site that would suit their needs locally.

I have one negative thought about the application and that regards it's site location. Given that the expansion of the practice will allow the centre to treat larger animals I am concerned about the potential to have a conflict of image between animal transporters and the rest of the estate, much of which will be highly skilled employment. In my view a site towards the fringes of the Enterprise Park would be preferable since the plot configuration could allow for the loading and unloading of animals and parking of their transport to be screened from the rest of the Park.

On balance however I support the application.

- 4.4 Forward Planning Manager - Comments as follows:

This application relates to development which is not classed as employment use. The site is allocated under policy E3 for employment use, therefore in this respect the proposal is contrary to Policy E5 (which states that proposals resulting in the loss of employment land and buildings to non-employment uses will only be permitted if it has substantial benefits to residential or other amenity; or incorporates retail use as a minor add-on to a primary class B use).

The feeling is therefore, that this proposal would not only result in the loss of employment land on the site, but would be a threat to the industrial/commercial nature of the site through the introduction of non B-class uses - and as a result would not benefit the employment situation within Leominster.

Furthermore, the sequential test which accompanies the application relating to other available sites within Leominster does not appear to be sufficiently systematic and thorough enough to justify the need for setting aside adopted planning policy on the proposed site, and in addition land at other industrial sites nearby but potentially in a better "sequential location" (e.g. Southern Avenue) have not been considered.

Our concern is that approval of this application will start to set a precedent for the Enterprise Park making it more difficult to resist proposals for non-employment uses - such as retail uses or car showrooms.

#### Internal Council Advice

### **5. Representations**

#### 5.1 Leominster Town Council - Recommends approval

#### 5.2 In support of the application the applicant's agent has considered the re-development of the existing Ryelands Road site on three premises, the continued use of the existing buildings, the possibility of adaptation or re-development of the site and the environmental benefits of the re-use of the site as opposed to the development of a new site.

The report concludes that it is preferable to look at new build on three counts:

1. It is economically cheaper to look at new build rather than adaptation of the existing site.
2. It is more practical to develop a new site as the business will not be disrupted.
3. There are more environmental benefits with a new build option.

The sequential test considers three other sites in Leominster, the former police station site on Ryelands Road, Pinsley Mill and its immediate environs and the Arrow Plant Hire site on Worcester Road. The report also looks at the possibility of developing redundant farm buildings in the locality, although no specific sites are detailed.

The sites at Ryelands Road and Pinsley Mill both benefit from planning permission for residential development and the Arrow Plant Hire site is not currently on the market. Agricultural buildings were generally considered to be too remote from the town to be feasible and therefore the report concludes that the most appropriate site would be on the Enterprise Park.

The business strategy advises of current staffing levels of 10 full-time vet equivalents and support staff of 8 nurses and 10 reception and administrative staff. The development of new premises will, in part, allow expansion into specialist niche areas such as animal physiotherapy and in turn will bring further employment opportunities.

The report goes on to consider the use of the existing premises in light of a recently introduced Veterinary Practice Standards Scheme. It concludes that these will be difficult to meet and gives some examples including:

1. Freedom from offensive odours.
2. Maintenance of a comfortable working temperature.
3. Adequate storage facilities.
4. Easily accessible office and reception facilities.
5. Adequate toilet and washroom facilities for staff and clients.

As with the other reports, it concludes that the levels of good practice can be most readily achieved if a new site on the Enterprise Park is established.

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 proposed use as a veterinary surgery is a sui generis use for the purposes of the Town & Country Planning (Use Classes) Order. Accordingly it does not fall within the allocated uses for the Enterprise Park as defined by the original outline planning permission that includes a condition limiting uses to those falling within Classes B1, B2 and B8. This is also reflected by Policy E3 of the Herefordshire Unitary Development Plan.
- 6.2 As the comments of the Forward Planning Manager advise, the proposal is contrary to policy. A judgement therefore has to be made as to whether there are other material planning considerations to outweigh the adopted policies.
- 6.3 The only exception that has been made on the Enterprise Park to date has been the provision of a new police station. It was demonstrated that there were no other suitable sites for such a building and ultimately the provision of an important civic building was considered to outweigh policy.
- 6.4 The applicant's agent has undertaken a process of identifying alternative sites, first considering the improvement of the existing premises on Ryelands Road and then looking at other sites within Leominster. As the Forward Planning Manager notes, there does not appear to have been a systematic approach to the sequential test and sites on Southern Avenue have not been considered, albeit that it is also allocated for B Class uses.
- 6.5 In contrast the Economic Regeneration Manager is broadly supportive of the application, noting that it is a high quality use that will generate skilled employment opportunities. However, he does express some concern about the central location of the site within the Enterprise Park and the impact that the introduction of a veterinary centre dealing with larger animals and their associated transporters might have on its image. It is suggested that a more peripheral plot that could be screened from the rest of the site might be more desirable in this respect.
- 6.6 The allocation of the Enterprise Park is still relatively recent. The provision of the police station was very much an exception to policy but was justified as discussed above. This proposal, whilst being of a high quality and likely to create new employment opportunities, is contrary to policy. The sequential test is not sufficiently

exhaustive and the use is not entirely compatible with the commercial allocation of the site.

- 6.7 It is therefore concluded that, on balance, there are not sufficient material planning considerations to outweigh the adopted policies of the UDP. The application is accordingly recommended for refusal.

**RECOMMENDATION**

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

- 1 The proposal for the provision of a new veterinary surgery is contrary to the allocated B1, B2 and B8 uses as defined by the outline planning permission for the Leominster Enterprise Park (DCNC1999/2883/O) and Policy E3 of the Herefordshire Unitary Development Plan. The applicant has failed to demonstrate that there are sufficient material planning considerations to override this policy.**

Decision: .....

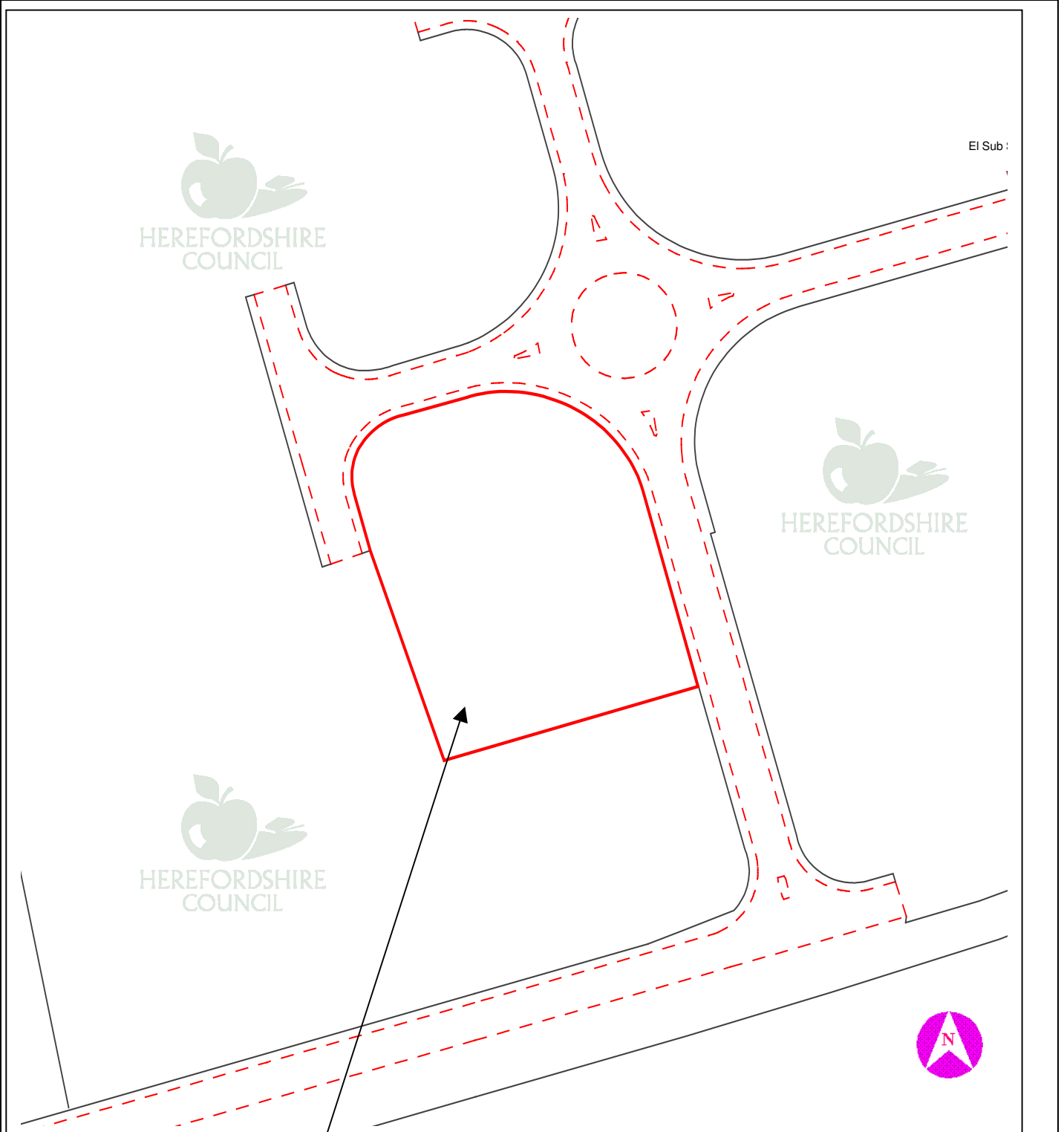
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**AREA SUB-COMMITTEE**



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

**APPLICATION NO:** DCNC2007/3460/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Plot 15 Leominster Enterprise Park, Leominster, Herefordshire

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



**14 DCNC2007/3639/F - PROPOSED CONVERSION TO 3  
BED DWELLING, LINLEY GREEN CHAPEL, LINLEY  
GREEN, NR BROMYARD, HEREFORDSHIRE.**

**For: Mr B. Lord, T J Preece & Associates, 4 Lion  
Street, Kidderminster, Worcs DY10 1PT**

**Date Received:**  
21st November 2007  
**Expiry Date:**  
16th January 2008

**Ward: Bringsty**

**Grid Ref:**  
69163, 53265

Local Member: Councillor T. W. Hunt

**1. Site Description and Proposal**

- 1.1 This site is located in the countryside in an area known as Linley Green and flanks the southern side of the C1137 Class III road approximately half a mile to the east from its junction with the B4220. The site constitutes an existing small chapel which has been disused for a while. The building has red brick walls with a clay tile roof. There is a one metre high brick wall on the road frontage with a pedestrian access onto the road. There is also an existing brick wall around the other three sides of the chapel boundary. The chapel is located between two existing dwellings. The garden of the dwelling to the east extends around the southern boundary of the chapel. The western section of the site extends into the neighbours garden on that side, which it is understood has recently been purchased by the applicant. There is an existing hedgerow on the roadside boundary on this part of the site.
- 1.2 The proposal is to convert the chapel into a single dwelling. A new floor will be added internally to form a new first floor level. Externally roof lights will be added to the front and rear of the building and on the roof of the small lean-to at the rear. The existing door and window of the lean-to will be replaced by a patio window/door. A new vehicular access and parking/turning area will be created at the western end of the site.

**2. Policies**

2.1 Planning Policy Statements/Guidance:-

PPS1 - Delivering Sustainable Development  
PPS7 - Sustainable Development in Rural Areas  
PPS9 - Biodiversity and Geological Conservation  
PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

Policy S2 - Development Requirements  
“ DR1 - Design  
“ DR3 - Movement  
“ H7 - Housing in the Countryside Outside Settlements

- “ HBA12 - Re-use of Rural Buildings
- “ HBA13 - Re-use of Rural Buildings for residential purposes
- “ CF2 - Foul Drainage
- “ CF6 - Retention of Existing Facilities
- “ NC1 - Biodiversity and development
- “ NC5 European and nationally protected species
- “ NC6 - Biodiversity Action Plan priority habitats and species
- “ NC7 - Compensation for loss of biodiversity
- “ NC8 - Habitat creation, restoration and enhancement
- “ NC9 - Management of features of the landscape important for fauna and flora

### **3. Planning History**

- 3.1 DCNC2007/1484/F - Conversion of chapel to 3 bed accommodation - Withdrawn 10-07-07
- 3.2 DCNC2007/2525/F - Conversion of chapel to 3 bed accommodation - Re-submission of application DCNC2007/1484/F - Refused 01/10/07.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1. None required

#### Internal Council Advice

- 4.2. The Council's Chief Conservation Officer recommends that permission be approved subject to conditions relating to the rooflights and windows and the parking area surface. Due to the presence of bats it is also recommended that conditions be imposed requiring compliance with the recommendations set out in the ecological report which accompanied this application.
- 4.3 The Council's Transportation Manager recommends that any permission includes certain conditions relating to the proposed new vehicular access/parking arrangements.

### **5. Representations**

- 5.1 The applicants' agent states:

The proposals are for internal modifications to include a new first floor and rooflights to provide light to first floor rooms.

Additional land purchased on side of property to provide car parking and turning on site. Low speed of traffic volumes on highway.

Boundary wall is to be modified and retained using the materials from the existing wall and reclaim to match

The Premises was put on market in July 2005 but no firm interest has been shown in the premises so far.

5.2 The Parish Council has no objection

5.3 Three letters of objection have been received from:-

Mr. and Mrs. D. Allen, Fairview, Linley Green, Whitbourne, Worcester WR6 5RG  
J. Matthews, The Hollies, Whitbourne, Herefordshire  
Mrs. D. Dixon, No. 6 Guildway, Bromyard, Herefordshire

The main points being:

- Very busy road. Visibility and surface water drainage along road should be improved before any permission is granted. In wet and frosty weather the road becomes a sheet of ice. The road is far too dangerous to have a new property access.
- This is not a road with low speed of traffic volumes
- Still have major concerns about the proposed bio-disc drainage arrangements. The soil is clay based and the bio-disc will be on land that is higher than objectors property and the excess water will drain to lower land. Further details of the arrangements for outfall together with percolation/porosity tests would seem to be essential. Any treated effluent would end up on objectors land.
- The proposed roof lights will look directly over objectors property giving no privacy whatsoever.
- No need for roof lights to serve bathrooms as these could be artificially lit and mechanically ventilated.
- No need for roof light on side of gallery which already has a vertical window and a roof light in the northern side. If there has to be rooflight to smallest bedroom then this needs to be positioned above eyeline and obscure glazed.

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 main issues relate to:-

- (i) The principle and suitability of converting the chapel.
- (ii) Does the conversion scheme retain character of original building.
- (iii) Affect of new dwelling on residential amenities of neighbouring dwellings
- (iv) Vehicle access and parking arrangements.
- (v) Foul drainage
- (vi) Ecological matters

6.2 The chapel has not been used for some time and has become redundant. It is understood that local people use another chapel in the general area instead. The

building itself has sufficient architectural/historic merit to warrant its retention and conversion. The conversion scheme itself is also considered to be acceptable. The external appearance of the building will be largely unaltered and it is considered that the conversion scheme itself successfully retains the character and appearance of the original chapel. As such, the proposed development will comply with the relevant policies/guidance relating to conversion of rural buildings.

- 6.3 It is considered that the proposed use of the building as a dwelling will not adversely affect the residential amenities of the occupants of the adjacent dwellings. The occupants of the dwelling to the east have objected to the proposed new rooflights on the rear of the building. However, the rooflights will not look into the neighbours windows. In addition, the objectors have a large garden and the section adjacent to the rear of the chapel contains outbuildings/garage which are used for storage purposes. Consequently, it is not considered that there will be any overlooking which will result in any adverse loss of privacy.
- 6.4. The proposed new vehicular access and parking arrangements are considered to be acceptable. The visibility is considered acceptable and there is ample room provided for parking and turning within the site.
- 6.5. A Klargester Bio-disc sewage treatment plant is to be sited within the south-western corner of the site with drainage on its northern side, which is directed away from the objectors land and is an improvement on the original scheme submitted in the original application ref. no. DCNC2007/1484/F.
- 6.6 There is significant bat activity at the building. However, it is considered the conversion of the building to a dwelling is acceptable, provided the recommendations set out in the submitted ecological report are carried out.
- 6.7 The proposed development is, therefore, considered to be acceptable and in accordance with planning policies and guidance, in particular Policies S2, DR1, DR3 and HBA12 of the Herefordshire Unitary Development Plan. The previous application on the site for an identical proposal ref no. DCNC2007/2525/F was refused solely for ecological reasons. These matters have now been resolved and an acceptable ecological survey submitted.

## **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 new rooflights should be of "conservation type" i.e. flush with the roof slopes and have slender framed metal lights with a glazing bar unless otherwise first agreed in writing by the local planning authority.**

**Reason: In the interests of conserving the visual appearance and character of the building.**

- 3 - The stained glass windows shall be retained, unless otherwise first agreed in writing by the local planning authority.**

**Reason:** In the interests of conserving the visual appearance and character of the building.

**4 - E16 (Removal of permitted development rights )**

**Reason:** To ensure that the character and appearance of the original conversion scheme is maintained.

**5 - E18 (No new windows in specified elevation )**

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

**6 - The recommendations set out in the ecological report by Landscape Science Consultancy Ltd, dated October 2007, shall be followed in full, unless otherwise first agreed in writing by the local planning authority. Prior to development, a full working method statement, to include bat roost enhancement measures, shall be submitted to the local planning authority for prior written approval and implemented as approved. An appropriately qualified and experienced ecological Clerk of Works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**Reason:** To ensure all species of bat and their roosts are protected and to conserve/enhance potential habitat and maintain the foraging area for protected species, in accordance with the Wildlife and Countryside Act 1981 and Conservation (Natural Habitats and Conservation) Regulations 1994 (as amended).

**7 - G01 (Details of boundary treatments )**

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

**8 - H01 (Single access - not footway )**

**Reason:** In the interests of highway safety.

**9 - H04 (Visibility over frontage )**

**Reason:** In the interests of highway safety.

**10 - H05 (Access gates )**

**Reason:** In the interests of highway safety.

**11 - H13 (Access, turning area and parking )**

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

**12 - Before the new dwelling is first brought into use, details of the top surface of the new access, parking and turning area shall first be submitted to and be subject to the prior written approval of the local planning authority.**

**Reason:** In the interests of highway safety and visual amenity.

13 - Unless otherwise first agreed in writing by the local planning authority, the existing wall along the road frontage shall be retained in full, except for the section shown to be altered on the approval drawings, which shall match in materials and height the existing wall.

Reason: In the interests of visual amenity.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N03 - Adjoining property rights
- 3 - The applicant should be aware that the planning permission does not override any civil/legal rights enjoyed by adjacent property owners. If in doubt, the applicant is advised to seek legal advice on the matter.
- 4 - HN01 - Mud on highway
- 5 - HN04 - Private apparatus within highway
- 6 - HN05 - Works within the highway
- 7 - HN10 - No drainage to discharge to highway
- 8 - N19 - Avoidance of doubt

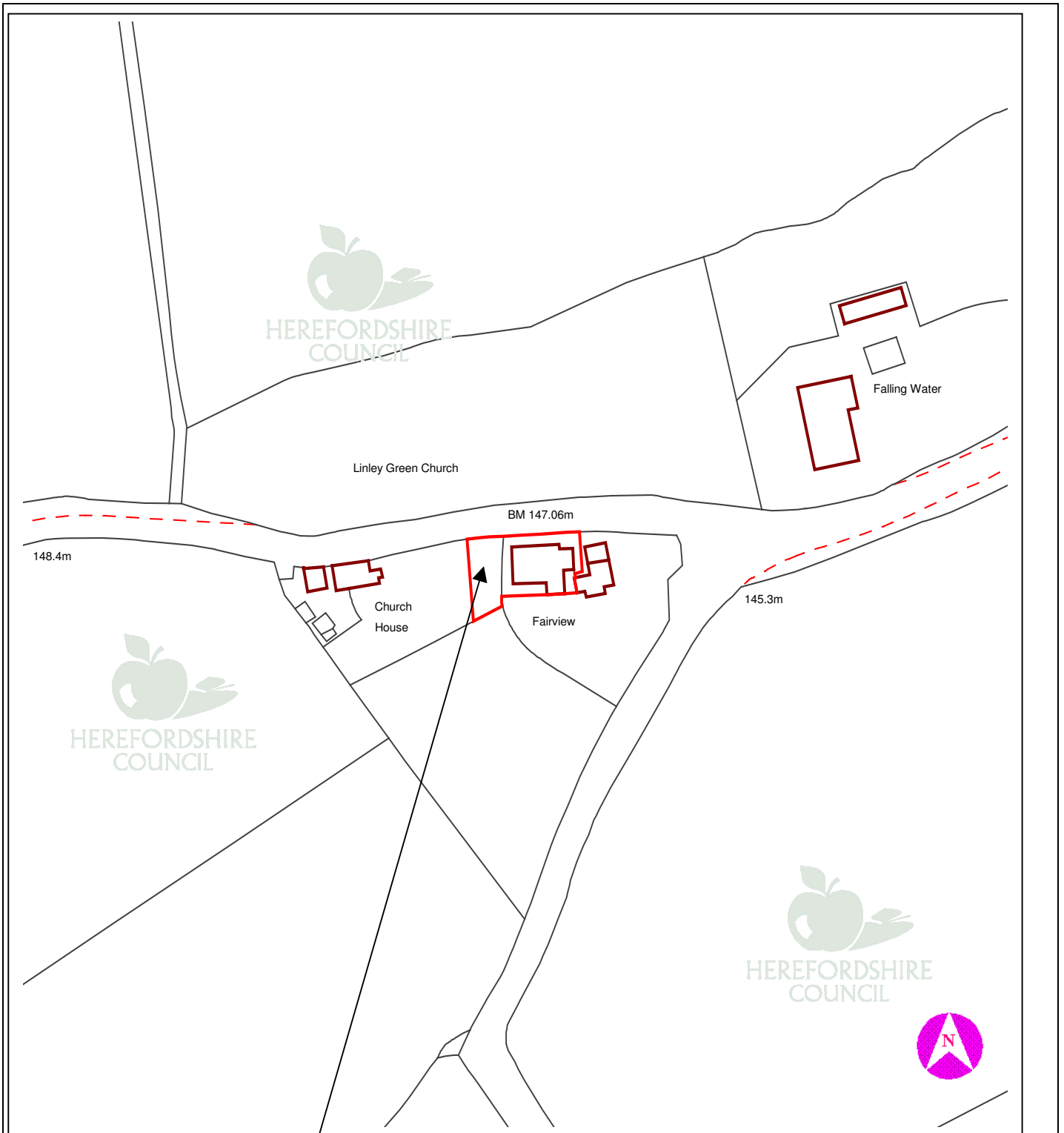
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** DCNC2007/3639/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Linley Green Chapel, Linley Green, Nr Bromyard, Herefordshire.

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005





**15 DCNC2007/3541/F - REDEVELOPMENT OF LAMBOURNES, RYELANDS ROAD COMPRISING 26 DWELLINGS (3 NO 1/BED FLATS. 9 NO 2/BED FLATS, 3 NO 2/BED HOUSES AND 11 NO 3/BED HOUSES. RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NZ**

**For: Mr K Lambourne, JBD Architects, Mortimer House, Holmer Road, Hereford HR4 9TA**

**Date Received:**  
14th November 2007

**Ward: Leominster South**

**Grid Ref:**  
49448, 58803

**Expiry Date:**  
13th February 2008

Local Members: Councillor R. B. A. Burke  
Councillor R. Hunt

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

- 1.1 The site lies in close proximity to Leominster's town centre and is immediately adjacent to the Aldi supermarket. Residential development lies behind and to the side, with terraced housing and the telephone exchange building on the opposite side of Ryelands Road. The site is just beyond the boundary of Leominster's conservation area and a Grade II listed building, Westbury House, bounds the site to the west.
- 1.2 The site is currently occupied by a large factory building. Its frontage onto Ryelands Road extends to approximately 35 metres and takes the appearance of a utilitarian commercial premises with a predominantly glazed front elevation. It appears to have a mono-pitch roof when viewed from the road, but in fact is a series of asymmetric roofs with ridges running in an east/west direction. This helps to minimise its dominance in the street scene, as does the fact that its ground level is lower than that of the public highway and of Westbury House to the west. The site, whose area amounts to approximately 0.5 hectares, is almost entirely covered with this single building.
- 1.3 The proposal seeks to remove the building and its commercial use and replace it with a residential development of 26 dwellings. The scheme retains a street frontage with two blocks of flats. These are three storey and provide 9 two bed and 3 one bed units and also incorporate secure cycle parking. A wagonway-arched entrance forms part of one block and gives vehicular access to the remainder of the site behind where 14 further dwellings are arranged in a crescent of three terraced blocks comprising 3 two bed and 11 three bed houses. The area contained within is predominantly to be used for parking arranged around a central focal point.

- 1.4 The development is of a contemporary design and the layout is arranged to both maintain a street frontage and also minimise any nuisance that may be caused by its proximity to the supermarket car park, hence the crescent arrangement. This also allows an alignment to maximise passive solar gain.
- 1.5 The plans indicate that the flats fronting onto Ryelands Road will be predominantly brick with elements of glazing and render. The blocks are to have a monopitch seamed aluminium roof and are surrounded by landscaped areas with parking behind.
- 1.6 The dwellings are similarly designed but are finished in a combination of render and stained timber cladding. Like the flats, each is provided with secure cycle parking within its curtilage.
- 1.7 The application is accompanied by a design and access statement which advises that the design of the development has been influenced by a desire to make use of sustainable and environmentally sustainable materials, techniques and technologies to reduce energy consumption. This has in part been described above, but also includes systems for rainwater harvesting and grey water recycling that will reduce surface water run-off and limit the impact of the development on the existing sewerage system. The scheme includes a sustainable drainage scheme by way of a surface water storage pond in the south western corner of the site.

## **2. Policies**

### Herefordshire Unitary Development Plan

- S1 - Sustainable development
- S2 - Development requirements
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR5 - Planning obligations
- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H9 - Affordable housing
- H13 - Sustainable residential design
- H14 - Re-using previously developed land and buildings
- H19 - Open space requirements
- E5 - Safeguarding employment land and buildings
- HBA4 - Setting of listed buildings

## **3. Planning History**

None relevant to this application

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 Welsh Water - Advise that they consider that the proposed development would overload the existing public sewerage system. However improvements are planned for

completion by 1st April 2010 and they recommend the imposition of conditions including one requiring that the development is not brought into use until 1st April 2010.

#### Internal Council Consultations

- 4.2 Transportation Manager - No objection subject to a Section 106 contribution for transport improvements for this development. The relevant schemes would include, but not be limited to:
1. Improvements to pedestrian facilities within the vicinity schools and nearby town centre (dropped kerbs, widening, provision of tactiles etc)
  2. Improvements to cycling provision within the vicinity, schools and nearby town centre
  3. Contributions to Safe Routes to Schools schemes within Leominster
  4. Improvements to traffic management within Leominster
  5. Contribution to improved public transport within Leominster.
- 4.3 Public Rights of Way Manager - No objection as the proposal would not appear to affect the public footpath bounding the site to the west.
- 4.4 Conservation Manager Historic Buildings -Considers that a 3D representation of the scheme and its architectural relationship with the wider area should be included, as should a colour palette of the materials, to better consider the proposal in its setting.
- 4.5 Landscape - No objection subject to condition.
- 4.6 Parks, Countryside and Leisure Development Manager - Under current UDP Policy H19 a development of this size would require a small children's play area. No such provision is made on the site. This is supported as they offer little in terms of play value and the preference is for an off-site contribution towards a larger play area.

We would also ask for a contribution towards sports facilities provision in response to advice given by Sport England would require that development contributes towards increasing participation in active sports. Any contribution would be used towards improvements at the Leominster Leisure Centre's multi activity suite.

- 4.7 Housing Development Officer - In accordance with UDP policy H9 and based on the Housing Needs Assessment 2005 there is a requirement for 9 affordable units, the type and tenure of which should be as follows:

Registered Social Landlord rented  
2 bed 4 person - 6 apartments  
3 bed 5 person - 1 house

Registered Social Landlord shared ownership  
2 bed 4 person - 2 houses

- 4.8 CCTV Officer - Requests that a contribution is sought towards improvements to the town's CCTV system.

## 5. Representations

- 5.1 Leominster Town Council - Minded to recommend approval for an interesting and highly innovative scheme for the town and commends the design. Expressed some reservations about the rather high housing density and that, in the interests of safety, that the proposed pond should be fenced.
- 5.2 Leominster Civic Society - Support the proposal and welcome the fact that it gives serious attention to sustainability issues. Comment that the visual success of the development will be dependent upon the choice of materials and suggest that naturally coloured timber panels, rather than plain coloured panels, may be considered.
- 5.3 One letter has been received in response to public consultation procedures from Mrs Comfort, The Summerhouse, Aldermans Meadow, Leominster. Whilst not objecting to the development as a whole, she does express concern about the nature area/pond that would bound her property, considering that it will create a security issue in an area where there are already problems with vandalism and antisocial behaviour. She suggests that it is omitted from the scheme and the land be encompassed within the gardens of the two adjoining properties.

She also suggests that the footpath along the frontage of the site is widened.

- 5.4 In response to the comments received the applicant's agent makes the following comments:

The public footpath is not in our ownership and there is a 1.8 metre high brick wall along the length adjoining the application site that is to be retained. In normal circumstances this wall is an adequate deterrent. The wildlife area and pond is not open to the public. It will be gated and is for the amenity of the adjoining residents who will retain keys.

A part of the sustainable agenda is to reduce surface water run off by holding back surface water via the pond and to utilise this feature to enhance the biodiversity of the site. The construction of the pond and landscaping will of course be designed to avoid the pitfalls raised by the Town Council and details can be agreed with the landscape officer. The use of deterrent plants along the wall would be one suggestion.

The maintenance of this area will form part of the overall management of the site. Circulation areas will not be adopted and the most likely outcome is the formation of a management association.

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

## 6. Officers Appraisal

### Principle of development

- 6.1 The site falls within an established residential area. Policy H1 of the Herefordshire Unitary Development Plan requires that these areas should remain primarily residential in character, with other uses remaining compatible with housing and appropriate for the site. H1 permits residential development within these areas subject to compliance with other policies in the plan.
- 6.2 In this case other policy considerations relate to the fact that the proposal will result in the loss of an established employment site. Policy E5 of the UDP only permits the loss of these sites where it can be demonstrated that there would be substantial benefits to residential or other amenity in allowing alternative forms of development.
- 6.3 A valid industrial use remains on the site that falls within Class B2 of the Town and Country Planning (Use Classes) Order. Whilst the current use of the site is not known to cause any nuisance or cause for complaint, an alternative and unrestricted use falling within Class B2 could be continued on the site. B2 uses are not generally compatible with residential areas and therefore an alternative user could be a cause of significant nuisance by virtue of odours or noise.
- 6.4 It is therefore concluded that a B2 use in a primarily residential area is not desirable and it would be beneficial to amenity if this use were to be removed from the site and replaced with a residential development.

### Design issues

- 6.5 Policy H13 requires that new development strives to be sustainable in its design. As noted in the comments from Leominster Civic Society, the scheme does pay considerable regard to issues of sustainability and this is reflected in the design and layout of the scheme. The attenuation pond serves a specific purpose and on the basis of the comments of the applicant's agent, is not intended to be a public area. It appears that the problems of antisocial behaviour arise from the enclosed nature of the public footpath running along the western boundary of the site. The boundary wall is to remain and, if anything, the proposal will result in the footpath being more overlooked and act as a greater deterrent to antisocial behaviour.
- 6.6 The carefully considered design of this proposal is integral to its success as a development as a whole and it would be unfortunate for this to be watered down through inappropriate alterations in the future should planning permission be granted. It is therefore recommended that if planning permission is forthcoming, a condition is imposed removing permitted development rights.
- 6.7 It is concluded that this scheme achieves all of the aspects of sustainable design as outlined by Policy H13 and therefore is entirely acceptable in this respect.

Affordable housing

- 6.8 In accordance with Policy H9, the provision of affordable housing will be sought on both allocated and windfall housing sites. Such housing should provide, wherever possible, a mix of housing types, having regard to local needs, and contribute to a mixed and balanced scheme overall in terms of dwelling size, type and affordability. The applicant's agent has advised that his client is willing to make the provisions required by the Housing Development Officer. This will be secured through a Section 106 Agreement.

Highway issues

- 6.10 The widening of the public footpath along Ryelands Road is indicated on the submitted plans that show a width of 1.8 metres. These alterations can be secured through the Section 278 Agreement that the applicant will be required to enter into as a result of alterations that will occur within the public highway.

Drainage

- 6.11 Discussions have taken place over the last 15 months with the applicant's agent on the premise that improvement works to the sewerage system would be completed by Welsh Water by April 2008. It now appears that this date has been put back to April 2010. The applicant has taken all reasonable steps to limit the impact of this proposal on the existing system by employing a sustainable drainage scheme and it does not seem reasonable to effectively place an embargo on further residential development in Leominster until such improvement works have been completed. The proposed condition that development should not be occupied until April 2010 is not a reasonable request and will only serve to stifle development in the town in the short term.

Other issues

- 6.12 The comments from the Historic Buildings Officer in terms of an apparent lack of information are difficult to substantiate. It is clear that the relationship with the Grade II listed building to the west will be improved as the scheme has a lesser bulk and is set back further from the roadside edge than the existing building. As such the listed building will assume a greater degree of prominence in the street scene. It is also noted that no objection appears to be raised to the design of the of the scheme, but a request is made for a palette of materials. This can be addressed by condition and the suggestion of the Leominster Civic Society that panelling is left as natural timber is sensible.

Conclusion

- 6.13 A Draft Heads of Terms Agreement is appended to this report outlining the provision of affordable housing and contributions relating to highway improvements, open space and sports facilities provision, education improvements, library services and recycling facilities all in accordance with the Planning Obligations Supplementary Planning Document. The request for a

contribution for CCTV improvements is not included as the proposal does not meet the criteria outlined by the same document.

- 6.14 It is therefore concluded that the proposal is in full accordance with the Herefordshire Unitary Development Plan and, subject to conditions and a Section 106 Agreement dealing with the matters referred to above, the application is recommended for approval.

#### 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 or appropriate.

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

#### **RECOMMENDATION**

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

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

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

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

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

- 3 - E16 (Removal of permitted development rights )**

**Reason: In order that the local planning authority can assess the impact of any further development on this specifically designed scheme.**

- 4 - F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**

- 5 - 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.**

- 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.

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

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

10 - G13 (Landscape design proposals )

Reason: In the interests of visual amenity.

11 - 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.

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

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

13 - H11 (Parking - estate development (more than one house) )

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

14 - W01 (Foul/surface water drainage )

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

15 - 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.

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

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

Informative(s):

- 1 - HN07 - Section 278 Agreement
- 2 - HN10 - No drainage to discharge to highway
- 3 - HN22 - Works adjoining highway
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 5 - 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 – DCNC2007/3541/F

Proposed erection of 26 dwellings on land at Lambournes, Ryelands Road, Leominster

1. The developer shall provide 9 affordable housing units as indicated on plan ref. 5584/detail 1 submitted as part of the application. Such houses will meet the criteria as set out in section 5.5 of the Unitary Development Plan 2007. The affordable housing units will comprise of seven rented units, 6 of which shall be 2 bed apartments and one 3 bed dwelling, and two 2 bed shared ownership dwellings in accordance with the information as stated on the approved plans. The applicants or successors in title shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no affordable housing grant input.
2. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £17,000 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:  
  
Improvements to the neighbourhood park at Sydonia, including its surrounding footpaths
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £16380 (in accordance with the Sport England Sport Facility Calculator) for improvements at the Leominster Leisure Centre's multi activity suite which sum shall be paid on or before the commencement of the residential development.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £72,236 to provide education improvements to Leominster Infants

## AREA SUB-COMMITTEE

School, Leominster Junior School and The Minster College. This sum shall be paid on or before the commencement of development.

5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £51,120 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Pedestrian access improvements near the development and within Leominster.
  - b) Improvements to bus provision/passenger waiting facilities.
  - c) Improvements to safe routes to local schools etc.
  - d) Contribution to safe routes to schools.
6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5,142 to provide for library services in Leominster. The sum shall be paid on or before the commencement of development.
7. The developer covenants with Herefordshire Council, in lieu of the provision of recycling facilities on the land to serve the development to pay Herefordshire Council the sum of £3120 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option to either improve existing or provide new recycling facilities within Leominster.
8. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 2, 3, 4, 5, 6 and 7 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.
  - a) The sums referred to in paragraphs 2, 3, 4, 5, 6 and 7 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.

## AREA SUB-COMMITTEE

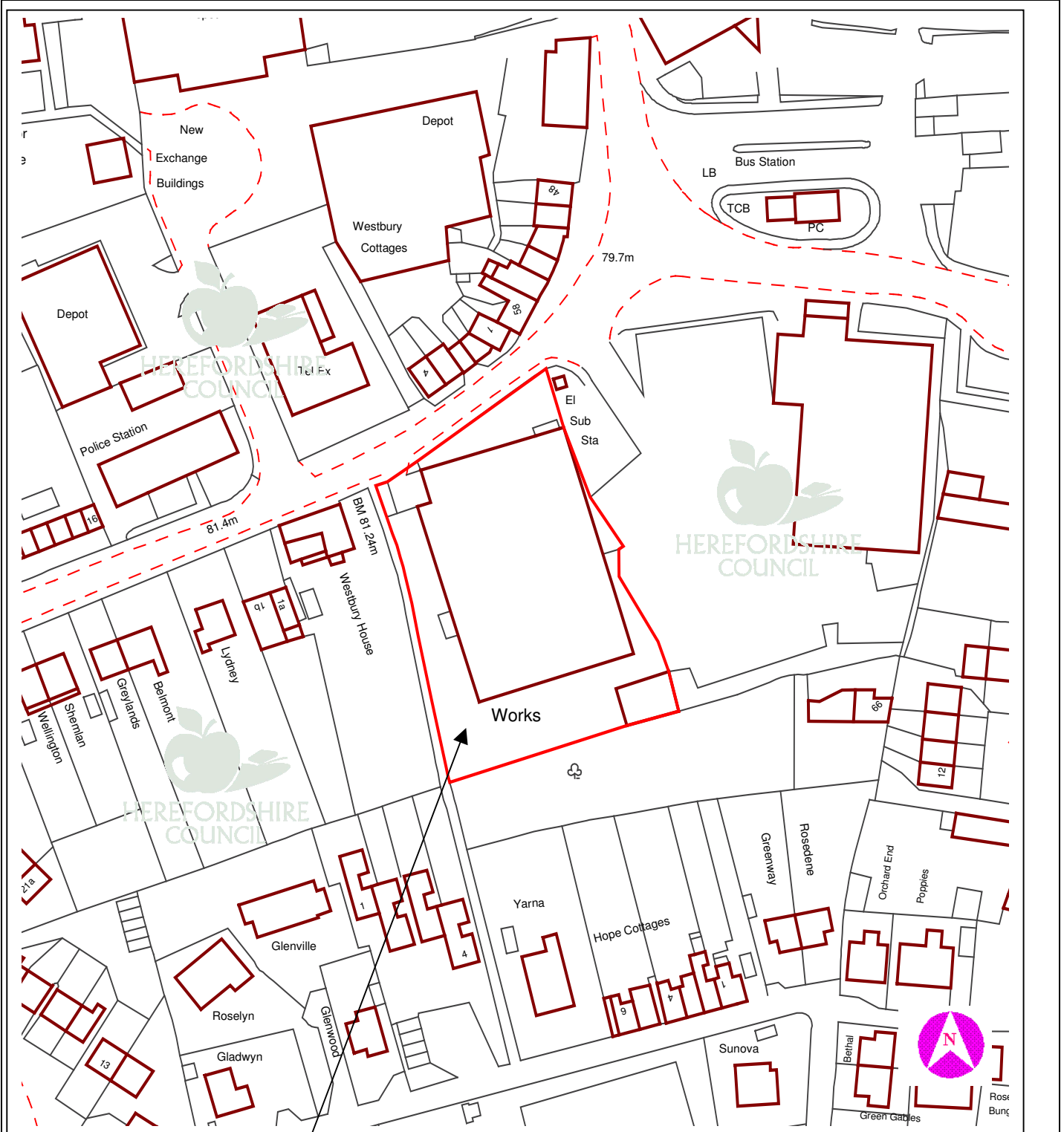
- b) The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
- c) The developer shall complete the Agreement by 8<sup>th</sup> February 2008 otherwise the application will be registered as deemed refused.

Andrew Banks – Principal Planning Officer

Peter Yates – Development Control Manager

30th November 2007

**AREA SUB-COMMITTEE**



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

**APPLICATION NO:** DCNC2007/3541/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Ryelands Road, Leominster, Herefordshire, HR6 8NZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from «CONTACT» on «CONTACT\_TELNO»

