

Southern Area Planning Sub- Committee

Date: **Wednesday, 5th March, 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:

*Ricky Clarke, Members' Services, Tel: 01432
261885 Fax: 01432 260286
e-mail: rclarke@herefordshire.gov.uk*

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

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

Councillors CM Bartrum, H Bramer, PGH Cutter, MJ Fishley, AE Gray, TW Hunt, JA Hyde, JG Jarvis, RH Smith, RV Stockton, DC Taylor and JB Williams

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 6th February, 2008.</p>	1 - 8
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.</p>	9 - 12

REPORTS BY THE HEAD OF PLANNING SERVICES

To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or 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.

- | | |
|--|----------------|
| <p>5. DCSE2008/0119/O - LAND AT TREWAUGH FARM, THREE ASHES, HEREFORDSHIRE, HR2 8LY.</p> <p>Siting of bungalow in replacement of existing residential caravan.</p> | <p>13 - 18</p> |
| <p>6. DCSE2007/3618/C AND DCSE2007/3619/F - PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE</p> <p>A) Alterations and refurbishment of 27 Brookend Street and demolition of the separate detached rear commercial premises.</p> <p>B) Alterations and extensions to 27 Brookend Street including new shop front and extension to retail unit and 4 no. existing flats. Demolition of the detached commercial building to the rear and erection of 9 no. new build residential dwelling apartments.</p> | <p>19 - 26</p> |
| <p>7. DCSW2007/3846/O - COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT.</p> <p>Residential development, pond, parking for village hall and surgery. Proposed landscaping and treatment plant. Demolition of pack house, removal of static caravans.</p> | <p>27 - 32</p> |
| <p>8. DCSW20080118O - PART OF O.S PLOT NO'S 1179, 1578, 1526 & 2381 ADJOINING COOPERS HALL, CUSOP, HAY ON WYE, HEREFORDSHIRE, HR3 5BE.</p> <p>Proposed residential development.</p> | <p>33 - 42</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.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.

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 Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 6th February, 2008 at 2.00 p.m.

Present: Councillor G Lucas (Chairman)
Councillor PD Price (Vice Chairman)

Councillors: CM Bartrum, H Bramer, PGH Cutter, MJ Fishley, AE Gray, TMR McLean, RH Smith and DC Taylor

In attendance: Councillors RV Stockton

120. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JA Hyde, TW Hunt (ex-officio), JG Jarvis, and JB Williams.

121. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
DC Taylor	Agenda Item 5 DCSW2007/3797/RM – Proposed four dwellings. Yew Tree Farm, Polar Road, Clehonger, Hereford, HR2 9SW	A prejudicial interest was declared and the member left the meeting for the duration of the item.
Officer	Item	Interest
MJ Willmont	Agenda Item 9 DCSE2007/3794/F – Proposed garage conversion and extension to form home office, stores and sunroom. Brynhyfryd, Peterstow, Ross-on-Wye, Herefordshire, HR9 6JZ	A prejudicial interest was declared and the officer left the meeting for the duration of the item.

122. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th January, 2008 be approved as a correct record and signed by the Chairman.

123. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning

appeals for the southern area of Herefordshire.

124. DCSW2007/3797/RM - YEW TREE FARM, POPLAR ROAD, CLEHONGER, HEREFORD, HR2 9SW. (AGENDA ITEM 5)

Proposed 4 dwellings.

Councillor MJ Fishley, one of the Local Ward Members, advised the sub-committee that Poplar Road divided the Valletts and Stoney Street Wards. She felt that all of the objections raised by local residents had been dealt with and supported the application.

RESOLVED

That on ensuring sufficient parking provision for Plot 1, the officers named in the Scheme of Delegation to Officers be authorised to grant approval of reserved matters subject to the following conditions and any additional conditions considered necessary by officers:

1. B01 (Samples of external materials)

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

2. E18 (No new windows in specified elevation)

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

3. E19 (Obscure glazing to windows)

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

4. G01 (Details of boundary treatments)

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

5. 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.

6. F17 (Scheme of foul drainage disposal)

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

Informative(s):

1. N19 - Avoidance of doubt

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

125. DCSE2007/3932/F - THE PLOCK, SOLLERS HOPE, HEREFORDSHIRE, HR1 4TF (AGENDA ITEM 6)

Proposed single track vehicular access to agricultural land (to replace existing sub-standard access)

The Senior Planning Officer reported the following:

Sollars Hope Parish Council: No objections to this application.

Mr P Williams, Church Cottage, Church Rd, Newent:

- Objector has stated that the existing access was not used for a period of 12 years, this is not the case.
- I owned the land known as the Plock from December 1991 and sold it to Mr Jones in January 2007.
- I regularly used the existing road access for feeding animals and maintaining fencing. Contractors also used this entrance for the application of fertiliser and for topping.
- I support this application as the existing access is on a blind bend, with very poor visibility, the proposed access would be much safer.

Brian Watkins, 2, Falcon Cottage, Brockhampton:

- Support the application to move the vehicular access from a position on a dangerous bend with poor visibility to a much safer position with better visibility.

She commented that the additional representations did not raise any issues that had not been addressed in his report.

In accordance with the criteria for public speaking, Mr Day and Mr Jones spoke in support of the application.

Councillor TMR McLean, the Local Ward Member, felt that with an increased use of access to the land, the proposed access would be safer than the existing one.

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. The first 10 metres of the access shall have a tarmacadam wearing course into which shall be rolled a local stone aggregate, a sample or details of which shall have first been submitted to and agreed in writing by the local planning authority. The remainder of the track shall be finished with compacted scalplings.**

Reason: To satisfactorily minimise the visual impact of the access in the landscape noted for its quality.

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

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

- 4. G05 (Implementation of landscaping scheme (general))**

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

5. G12 (Planting of hedgerows which comply with Hedgerow Regulations)

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

6. H03 (Visibility splays)

Reason: In the interests of highway safety.

7. Prior to the first use of the access hereby approved, the existing vehicular access, in the western corner of the site, onto the B4224 shall be permanently closed in accordance with details set out in the applicant's Design and Access Statement.

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

8. Prior to the first use of the access and track, it shall be consolidated, surfaced and drained in accordance with details to be submitted and approved in writing by the local planning authority.

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

9. H27 (Parking for site operatives)

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

Informative(s):

1. HN01 - Mud on highway

2. HN04 - Private apparatus within highway

3. HN05 - Works within the highway

4. HN10 - No drainage to discharge to highway

5. The existing Public Right of Way stile shall not be relocated, but retained in situ.

6. N19 - Avoidance of doubt

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

126. DCSE2007/3872/F - THE HOPE AND ANCHOR, ROPE WALK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BU (AGENDA ITEM 7)

Erection of a 5m x 9m garden room structure to the front of the building. Predominantly timber with trellis panels and balustrade and timber shingle roof.

Councillor CM Bartrum, one of the Local Ward Members, advised the sub-committee that the application site fell within a conservation area and an area of outstanding natural beauty. He noted that the Town Council had not objected to the application and felt that there was a need for controlled development in the area.

Councillor PGH Cutter, the other Local Ward Member, stated that he was not in favour of the application. He noted that there had been several letters of objection received from the Ramblers Association and felt that the development was not in keeping with the area.

Members discussed the application and noted that the site fell within a flood plain. They also felt that a more sympathetic development would be acceptable on the site but that they could not support the current proposal.

RESOLVED

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

A) Inappropriate development in the Conservation Area and Wye Valley Area of Outstanding Natural Beauty.

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

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

127. DCSE2008/0050/F - JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH. (AGENDA ITEM 8)

Erection of agricultural storage building.

The Principal Planning Officer reported that the Traffic Manager had no objection to the grant of permission.

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

Councillor H Bramer, the Local Ward Member, noted that the comments from the Parish Council had not been received. He confirmed that Linton Parish Council had sent a representation on the 29th January, 2008, and asked that the consideration of the application be deferred until the comments were received.

RESOLVED:

That the determination of the application be deferred pending receipt of comments from Linton Parish Council.

128. DCSE2007/3794/F - BRYNHYFRYD, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JZ (AGENDA ITEM 9)

Proposed garage conversion and extension to form home office, stores and sunroom.

The Principal Planning Officer reported the receipt of revised floor plans submitted

by the applicant's agent, confirming that the re-built garage would form a store area for his business together with an office on the first floor of the extension. The ground floor of the extension would be domestic store and utility.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. B02 (Matching external materials (extension))

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

3. The use of the extensions hereby permitted for business purposes shall be incidental to the enjoyment of the dwellinghouse as such.

Reason: In the interests of highway safety and to protect the amenities of neighbours.

Informative(s):

1. N19 - Avoidance of doubt

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

129. DCSE2008/0039/F - GREEN ORCHARD, RYEFIELD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5LS. (AGENDA ITEM 10)

Removal of existing house and construction of nine flats, including car parking and landscaping and utilising existing vehicular access.

The Principal Planning Officer reported the following:

- The Environment Agency has no objection in principle but recommends conditions regarding drainage of car parking area and mains drainage.
- The Traffic Manager recommends refusal unless further information is submitted showing a turning head for Ryefield Road with street lighting, amendments to car parking layout to relocate 2 spaces currently shown by the access, adequate cycle parking and a wider access to allow for visibility for pedestrians.
- The Conservation Manager notes the general reduction in scale and the omission of the second floor [in comparison to the earlier application] are particularly welcome and my only comment concerns the position of the vehicular access in the south gable. There are inherent contradictions surrounding the insertion of large voids in masonry buildings and the present return to the south of the access is essentially too short to provide sufficient visual support. Although the overall elevation is not strictly symmetrical, gables are by definition strongly axial and it would be more satisfactory if the access were placed centrally on axis with the ridge. No objection although conditions for external materials and joinery will be required. No

archaeological concerns have been raised.

- The Parks, Countryside and Leisure Development Manager confirms that a play area is not required but requests a contribution towards sports facilities at Ross Sports Centre based on Sports England's Sports Facilitators Calculator (£630 per dwelling, total £5,040).
- Applicant's agent states that the hardstanding will have a membrane to prevent rainwater penetration, with the area of roof discharging into a rainwater harvesting system.

4 additional letters of objection have been received. In summary the reasons given are:

- Size: the development is too big for the site and out of keeping with other buildings in the road. The floor area is about double the size of Cherrington, (probably the largest house in the road) and approximately treble in overall mass. It is not accepted that the proposed building would fit in well with other buildings with regard to massing.
- Density: 9 apartments on 1/3 acre site no longer sits comfortably within the density of the Ryefield Road and surrounding area but substantially changes its character and density.
- Parking: 11 spaces is still inadequate. Ryefield Road is increasingly heavily used for parking and the probable overspill from the proposed building will increase this problem. 9 flats would mean 18 extra cars and consequently will result in extra on-street parking.
- Traffic: Ryefield Road traffic discharges onto Gloucester Road at a place where visibility is very restricted and the extra traffic will increase the probability of accidents. Necessary therefore to increase the splay of that exit to improve visibility but even so, it will continue to be a dangerous point.
- Amenity: overlooking of houses and gardens in North Road and change their rear aspect. Extra noise and traffic at the rear of gardens would add to noise from nearby trading estate. Latter is quiet at night but car park would be in constant use. Smell of rubbish bins which would be next to rear gardens. Overall would reduce neighbours' quality of life.
- Drainage: Green Orchard has an easement for one house to use foul drain which runs through Cherrington before discharging into the main sewer in Ryefield Road. This drain is only 3" diameter and blocks regularly. It is not clear how sewage will be dealt with.

One letter also points out that whilst unacceptable the proposal is less intrusive and visually dominant and more in keeping with other houses in Ryefield Road than the earlier scheme.

The Principal Planning Officer reported the following comments:

- The applicant's agent has agreed in principle to widen the access to provide a turning head. This may not be to the full standard but as the turning head is not required by this development, which meets the parking requirement and both residents and visitors can be expected to park and turn within the site, this would not be grounds to refuse permission. The other highway

SOUTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 6TH FEBRUARY, 2008

concerns can be met by planning conditions. The Sports contribution does not overcome an impediment to development and until the SPD is approved is not justified.

In accordance with the criteria for public speaking, Mrs Nelsey and Mr Pope spoke in objection to the application.

Councillor AE Gray, one of the Local Ward Members, noted that an application on the site had previously been refused due to the scale of the development and concerns regarding parking. She felt that these matters had not been sufficiently addressed and that the traffic managers concerns had not been appeased. She therefore felt that she could not support the application.

Councillor PGH Cutter, the other Local Ward Member, was concerned with the absence of comments from the Town Council and suggested that the application be deferred pending receipt of comments. He also voiced his concerns regarding the amount of additional information received by Members at the start of the meeting and felt that they had been given insufficient time to study it fully. Finally he felt that the two local ward members should have been consulted in respect of the section 106 agreement.

Councillor H Bramer had a number of concerns in respect of the application regarding the impact on privacy and the loss of amenity to the neighbouring residents as well as the visual impact of the proposal.

Councillor RH Smith noted that local ward members would be consulted on section 106 agreements regarding their wards once the Planning SPD was adopted by the Council. He felt that it may be beneficial for members to be consulted in the interim period and asked that this be included as a recommendation in the Southern Area Planning report.

RESOLVED

That: (i) That on expiry of the consultation period (8th February, 2008) the Southern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- A) Visual Impact**
- B) Loss of amenity to neighbouring residents**
- C) Traffic and parking concerns**
- D) Impact on privacy**
- E) Overlooking**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

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

The meeting ended at 2.55 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSE2007/1391/F**

- The appeal was received on 1st February, 2008
- 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 Camanoe Estate Limited
- The site is located at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH
- The development proposed is Erection of 6 apartments and associated parking
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/2068/F

- The appeal was received on 1st February, 2008
- 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 D Gundy
- The site is located at Little Trewen Farm, Whitchurch, Ross-on-Wye, Herefordshire, HR9 6ER
- The development proposed is Change of use of agricultural building to B8 storage of secure containers.
- The appeal is to be heard by Written Representations

Case Officer: Yvonne Coleman on 01432 383083

Application No. DCSE2007/3360/F

- The appeal was received on 11th February, 2008
- 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 M. Norris
- The site is located at 1 Fishermans Reach, Wilton, Ross-on-Wye, Herefordshire, HR9 6BE
- The development proposed is Proposed rear conservatory.
- The appeal is to be heard by Written Representations

Case Officer: Steven Holder on 01432 260479

APPEALS DETERMINED**Application No. DCSE2007/1994/F**

- The appeal was received on 10th October, 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 J Anderson
- The site is located at Land at Beechgrove, Goodrich, Herefordshire, HR9 6JE

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

- The application, dated 20th June, 2007, was refused on 14th August, 2007
- The development proposed was Erection of 2 detached dwellings with ancillary works.
- The main issues are:
 - i) The effect of the proposal on the character and appearance of surrounding area having regard to its location within the Wye Valley AONB
 - ii) The effect of the proposal on the living conditions of the occupiers of Beechgrove

Decision: The appeal was DISMISSED on 30th January, 2008

Case Officer: Steven Holder on 01432 250479

Application No. DCSE2005/3806/O (*Appeal A*)

- The appeal was received on 15th October, 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 The Singing Stud Ltd.
- The site is located at Site Nr. Bodenham Farm, Much Marcle. SO653321.
- The application, dated 23rd November, 2005, was refused on 20th June, 2007
- The development proposed was a proposed dwelling for stud farm worker at equine centre.
- The main issue is to be whether there is an agricultural justification for a new dwelling and the effect of the proposal on the landscape character of the surrounding countryside.

Decision: The appeal was UPHELD on 4th February, 2008

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2006/1495/F (*Appeal B*)

- The appeal was received on 19th September, 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 The Singing Stud Ltd
- The site is located at The Singing Stud Yard, Land adjacent, Bodenham Farm, Much Marcle, Herefordshire, HR8 2NJ
- The application, dated 11th May, 2006, was refused on 20th June, 2007
- The development proposed was Retention of foaling boxes and one 'infil' stable (retrospective application)
- The main issue is the effect of the proposals on the landscape character of the surrounding countryside

Decision: The appeal was UPHELD on 4th February, 2008

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/0704/F (*Appeal C*)

- The appeal was received on 19th September, 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 The Singing Stud Ltd
- The site is located at The Singing Stud Yard, (adj. Bodenham Farm), Much Marcle, Ledbury, Herefordshire, HR8 2NJ
- The application, dated 28th February, 2007, was refused on 20th June, 2007

- The development proposed was Retrospective application for block work skin to existing stables.
- The main issue is the effect of the proposals on the landscape character of the surrounding countryside

Decision: The appeal was UPHeld on 4th February, 2008

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/0705/F (*Appeal D*)

- The appeal was received on 19th September, 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 The Singing Stud Ltd
- The site is located at The Singing Stud Yard, (land adj. Bodenham Farm), Much Marcle, Ledbury, Herefordshire, HR8 2NJ
- The application, dated 28th February, 2007, was refused on 20th June, 2007
- The development proposed was Retention of lean-to building for storage purposes.
- The main issue is the effect of the proposals on the landscape character of the surrounding countryside.

Decision: The appeal was UPHeld on 4th February, 2008

Case Officer: Steven Holder on 01432 260479

Application No. DCSE2007/2282/F

- The appeal was received on 22nd October, 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 Tendean Ltd
- The site is located at Laycombe, Archenfield Road, Ross-on-Wye, Herefordshire, HR9 5AY
- The application, dated 27th June, 2007, was refused on 12th September, 2007
- The development proposed was Demolition of existing detached bungalow and erection of detached building to accommodate 4 two bedroomed apartments with ancillary works.
- The main issue are A) the effect of the proposal on the character and appearance of the surrounding area, with regard to its location adjacent to the Ross-on-Wye Conservation Area; B) the effect on the living conditions of the occupiers of Erging, Lower Westridge and Kinnersley with regard to overlooking and noise and disturbance; and the effect upon highway

Decision: The appeal was DISMISSED on 11th February, 2008

Case Officer: Steven Holder on 01432 250479

Application No. DCSE2007/0249/F

- The appeal was received on 8th October, 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs J Edwards
- The site is located at 27 Frome Valley Way, Ross-on-Wye, Herefordshire, HR9 5HU
- The application, dated 22nd January, 2007, was refused on 23rd March, 2007
- The development proposed was Proposed two storey and single storey extension

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

SOUTHERN AREA PLANNING SUB-COMMITTEE

5TH MARCH, 2008

- The main issues are the effect of the proposed development on the character and appearance of the surrounding area and the effect of the scheme on the living conditions of the occupiers of No.29 Frome Valley Way in respect of visual impact.

Decision: The appeal was DISMISSED on 15th February, 2008

Case Officer: Duncan Thomas on 01432 261974

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

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

5 DCSE2008/0119/O - SITING OF BUNGALOW IN REPLACEMENT OF EXISTING RESIDENTIAL CARAVAN AT LAND AT TREWAUGH FARM, THREE ASHES, HEREFORDSHIRE, HR2 8LY.

For: Mr M Williams per Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD.

Date Received: 17th January, 2008 Ward: Llangarron Grid Ref: 51153, 22338

Expiry Date: 13th March, 2008

Local Member: Councillor JA Hyde

1. Site Description and Proposal

1.1 Trewaugh Farm is on the north-east side of the narrow unclassified 71215 that leads from the B4251 to Llangarron. The site is located in open countryside. Treegynt, a bungalow, is on the opposite side of the road.

1.2 This is an outline application to replace an existing residential caravan which, is positioned in a garden on the south-east side of the farmhouse and to the rear of a range of traditional and modern farm buildings, with a bungalow. Within this garden area are 2 polytunnels and 2 greenhouses. The application reserves all matters for future consideration.

2. Policies

2.1 Planning Policy Statements

PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development
Policy S2 - Development Requirements
Policy DR1 - Design
Policy H7 - Housing in the Countryside Outside Settlements
Policy H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

3.1	DCSE2006/1405/U	Use of land for the siting of a residential caravan and use of land as its residential curtilage.	-	Granted 20.06.06
	DCSE2006/3871/O	Siting of single storey dwelling in replacement of existing residential structure.	-	Refused 30.01.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager recommends conditions.

5. Representations

- 5.1 A Design and Access Statement has been submitted

Application Site and Locality:

- The level application site comprises a parcel of land used as a vegetable garden by the applicant, which incorporates a collection of glasshouses and polytunnels.
- The site abuts a farmstead and is well bounded to the north and east by mature hedgerows, to the south by a large barn and to the west by a sizeable residential property.
- There are severely restricted public views of the application site from the public highway.

Proposed Development:

- The planning application seeks to replace a lawful caravan with a small bungalow;
- Although all matters are reserved for subsequent approval, it is envisaged that the eaves and ridge heights of the structure would measure 2.5 metres and 4.8 metres respectively.
- Its floor area would be approximately 100 square metres.

Area Analysis:

- The application site adjoins the applicant's farmyard and a very large residential property occupied by the applicant's son and family.
- By virtue of the mature site boundaries and the proximity of large structures, the present residential caravan and accompanying polytunnels have very little visual impact upon the locality.

Design Response to the Built Environment:

- The application proposes the erection of a modest sized structure to minimise its visual impact over and beyond that of the existing, the mobile home or log cabin that could be erected in its place without the approval of the Council and the collection of glasshouses and polytunnels on the site would be removed.
- There is no reason to suppose that this bungalow would be any more noticeable within the landscape than the existing caravan and structures it is proposed to replace.
- The creation of a bungalow would be preferable in visual terms to the permanent presence of mobile units the appearance of which are utilitarian and bright in colour.

Access to the Development:

- The application site lies in open countryside in planning policy terms. It lies some distance from a settlement with a range of community facilities and amenities.
- Given that a residential caravan pre-exists and could be replaced by a larger caravan without the need for planning permission, the proposed development would be "sustainable neutral".
- There would be no greater reliance upon the use of the private motorcar than would arise from the continued lawful occupation of the existing residential caravan.

5.2. In a covering letter submitted with the application, the applicant's agent has said:

- The Council's only reason for refusal of the previous application did not entail the replacement of a "building" with residential use rights and that the dwelling would be substantially larger than the present caravan.
- It is important to note that in all other respects, the Council raised no objection to this proposal.
- The Council did not consider that the proposal would have been unsustainable, harmful to the landscape, visual or residential amenity or highway safety terms.
- Since the decision it has been agreed the caravan can be replaced by a larger caravan/mobile home or log cabin.
- My client's daughter who will occupy this site with her young family has tried unsuccessfully to obtain a mortgage for a log cabin.
- Therefore if she is to occupy this site she has no other option than to resubmit an application to erect a small bungalow as a replacement of the caravan.
- The Certificate of Lawful Existing Use or Development for the caravan does not restrict the identity of the occupier.
- The applicant seeks merely to replace the lawful use of his land with a permission to erect a bungalow that will be occupied only by his daughter her husband and their 2 young children.
- This permission will enable her to live closer to her father and to her extended family in a location where she was born and bred.
- The applicant's daughter assists on a part time basis with all aspects of the family farm and is "on call" for 24 hours a day to attend to any urgent matters.
- Policy H7 permits the erection of a new dwelling in the open countryside where it is "a replacement for, and comparable in size and scale with and on the same site as an existing building with established residential use rights".
- There exists a contradiction in the treatment of residential caravans in the Unitary Development Plan. Whereas policy H7 refers to a building being replaced, policy H11 draws no distinction between caravans and residential buildings. It states "Proposals for the use of caravans or mobile homes for permanent residential use will be subject to the same locational requirements as permanent residential development".
- It is illogical to argue that in planning terms a permanent residential caravan equates with a dwelling - as in policy H11 - but at the same time resist the replacement of the same caravan with a dwelling.
- Given this application replaces a caravan that possess established residential use rights, I can see nothing in the UDP that prevents its replacement with a dwelling.
- The site is well screened and there will be no material difference between the retention of the caravan, the installation of a log cabin or the erection of a bungalow.

- Indeed the life span of a dwelling would be considerably longer than a caravan/mobile home.
- In support of my client's application I would draw your attention to a very similar scenario to an allowed appeal decision in Cornwall where the Inspector said the impact of a dwelling would be "slight".
- My client would have no objection to a condition restricting occupation of the dwelling to his daughter and her dependents.

5.3 Llangarron Parish Council support this application, but request that a Section 106 Agreement be imposed upon the application.

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

6. Officer's Appraisal

6.1 This application is to replace a caravan that has established residential use; DCSE2006/1405/U refers, with a bungalow.

6.2 The site is located in open countryside where policy H7 applies. The policy states that housing development outside Hereford, and the market towns, the main villages and smaller settlements will be limited to that which meets an essential agricultural, forestry or other economic or farm diversification requirements; or it results from the conversion of an existing rural building, or the replacement of a building with established residential use rights provided it is comparable in size and on the same site. There is no exception in the policy for the replacement of what is a non-permanent structure with a permanent dwelling.

6.3 The bungalow could be occupied by persons(s) who would assist on a part time with all aspects of the family farm and would be available on call to attend urgent matters. However, no agricultural appraisal has been submitted with the application to establish a functional need for the bungalow. In the absence of any agricultural need for this bungalow the proposal is contrary to policies H7 and H8 of the Herefordshire Unitary Development Plan 2007.

6.4 Whilst the site is well screened from public view this in itself is not a good enough reason to permit housing development in this location contrary to policy and damaging to the protection of the countryside as a whole.

RECOMMENDATION

That planning permission be refused for the following reason:

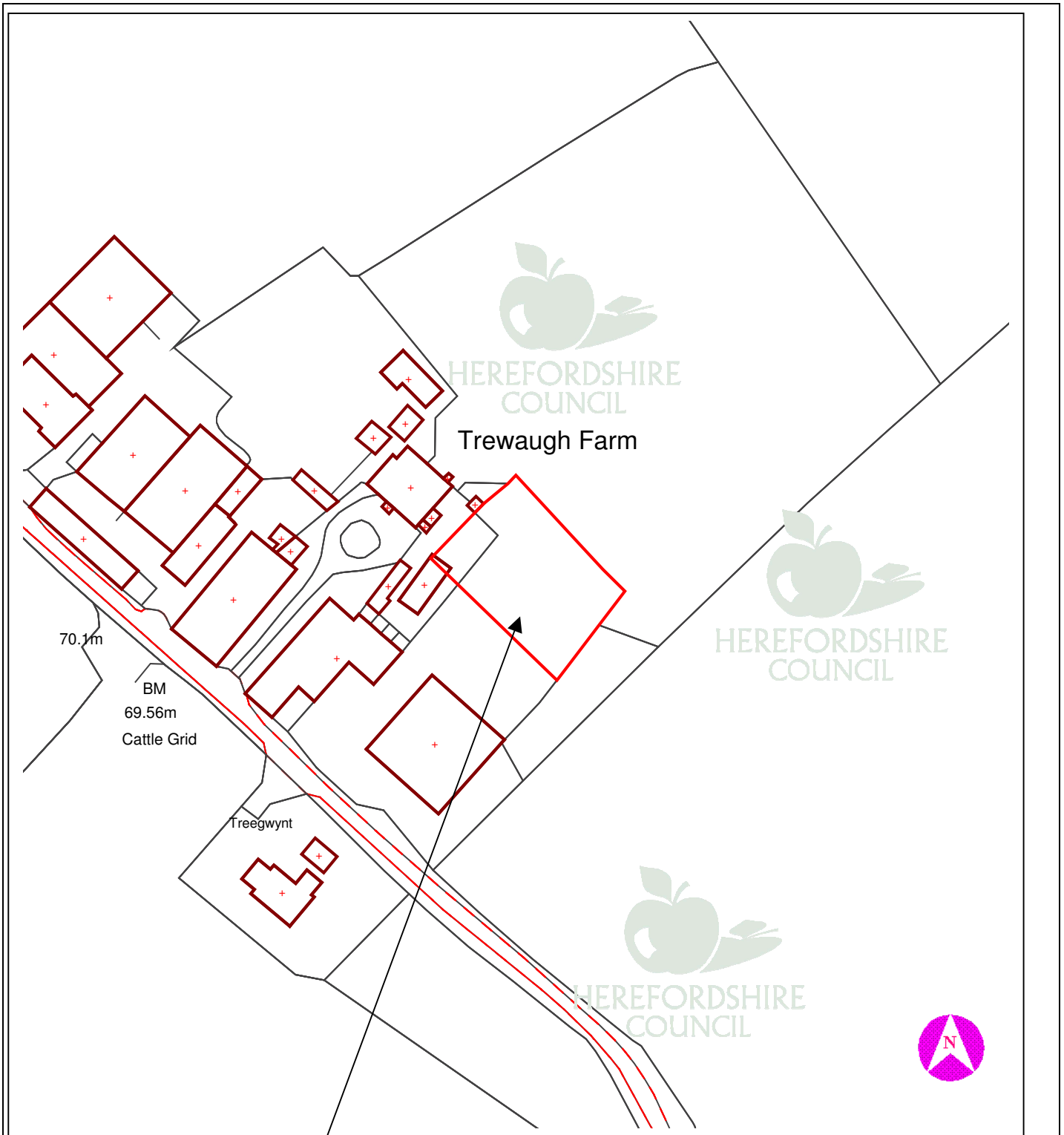
- 1 Having regard to policy H7 of the Herefordshire Unitary Development Plan 2007 the local planning authority considers the proposal is unacceptable in that it is not for the replacement of a building with established residential use rights. Furthermore, the proposed replacement of the caravan for a dwelling would lead to a substantial increase in its size and scale and as such the resultant scheme could not be considered comparable.**

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: DCSE2008/0119/O

SCALE : 1 : 1250

SITE ADDRESS : Land at Trewaugh Farm, Three Ashes, Hereford, Herefordshire, HR2 8LY

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

6A DCSE2007/3618/C - ALTERATIONS AND REFURBISHMENT OF 27 BROOKEND STREET AND DEMOLITION OF THE SEPARATE DETACHED REAR COMMERCIAL PREMISES.

6B DCSE2007/3619/F - ALTERATIONS AND EXTENSIONS TO 27 BROOKEND STREET INCLUDING NEW SHOP FRONT AND EXTENSION TO RETAIL UNIT AND 4 NO. EXISTING FLATS. DEMOLITION OF THE DETACHED COMMERCIAL BUILDING TO THE REAR AND ERECTION OF 9 NO. NEW BUILD RESIDENTIAL DWELLING APARTMENTS.

PALMA COURT, 27 BROOKEND STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7EE.

For: Nos No 2 Limited per Hook Mason Ltd, 11 Castle Street, Hereford, HR1 2NL.

Date Received: 22nd November, 2007 Ward: Ross-on-Wye East Grid Ref: 60120, 24352

Expiry Date: 17th January, 2008

Local Members: Councillor PGH Cutter and Councillor AE Gray

1. Site Description and Proposal

- 1.1 Palma Court an unlisted 3-storey C19 commercial building with a vacant café on the ground floor and 4 apartments over is on the east side of Brookend Street, between Auntie Wainwrights and Dragon House Chinese Take-Away. At the rear is a C20 portal framed building of a warehouse style that is occupied by "Fun 2 Sea Island Nursery" which is accessed through an archway that also accesses 3 vacant shop units. There is a 1.8 metre high wooden boarded fence along the boundary with Wallace Court, which adjoins the site on its south side. In the south-east corner of the site is a dry access route from Wallace Court. Gardner Butcher is opposite.
- 1.2 The site is located in the Ross-on-Wye conservation area, the Wye Valley Area of Outstanding Natural Beauty and the central shopping commercial area as shown in the Herefordshire Unitary Development Plan 2007. The frontage is defined as secondary shopping frontage.
- 1.3 This application proposes the demolition of the nursery and the shop units and replacement by a terrace of 9 dwellings. The café "shopfront" is to be replaced by a Victorian style shopfront. The café and apartments over are also to be extended to provide kitchen, WC and stairway to the apartments over which are to be extended to accommodate a bedroom to each. This is a car free development with storage for 13 bicycles. Foul drainage is to be disposed to the main sewer, and surface water is part-drained to a soakaway (permeable ground surfaces) and part to a rainwater harvester to facilitate grey water usage within the dwellings.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS6	-	Planning for Town Centres
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment
PPG16	-	Archaeology and Planning
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy T6	-	Walking
Policy T7	-	Cycling
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR7	-	Flood Risk
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas
Policy TCR1	-	Central Shopping and Commercial Areas
Policy TCR2	-	Vitality and Viability
Policy TCR4	-	Secondary Shopping Frontage
Policy ARCH1	-	Archaeological Assessments and Field Evaluations
Policy ARCH2	-	Foundation Design and Mitigation for Urban Sites
Policy ARCH6	-	Recording of Archaeological Remains
Policy CF2	-	Foul Drainage

3. Planning History

3.1	DCSE2007/0132/F	Alterations and extensions to 27 Brookend Street including new shopfront and extension to retail unit and 4 existing flats. Demolition of detached commercial premises to rear and erection of 14 residential dwellings.	-	Withdrawn. 09.03.07
	DCSE2007/0133/C	Demolition of detached commercial building.		Withdrawn. 09.03.07

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency has no objection subject to conditions.

Internal Council Advice

4.2 Traffic Manager has no in principle objection subject to a financial contribution to the upgrading of bus stops in the locality of site and the promotion of sustainable development.

4.3 Conservation Manager has no objection.

4.4 Archaeological Advisor has no objection subject to conditions.

5. Representations

5.1 A Design and Access Statement has been submitted with the application

- The proposals comprise alterations, extensions and refurbishment of the original building fronting onto Brookend Street, demolition of redundant commercial premises to the rear and erection of new residential dwellings.
- The frontage building at 27 Brookend Street will comprise an A3 retail unit at ground floor extended at the rear to provide a vertical circulation core and staff facilities.
- The proposed residential block will comprise 9 mews type town houses within a single 2-storey block.
- The proposed rear extension to the frontage building is designed to relate closely to the refurbished Brookend Street façade and reflects earlier Victorian alterations carried out.
- The rear residential building replaces a redundant commercial building which resembles an industrial unit.
- The layout and massing of the proposed building reflects the building to be removed and is positioned to maximise the remaining site area which has south westerly orientation and which will form a communal, predominantly hard landscaped amenity area.
- The ground floor level of the new residential block is raised in order to prevent potential future flooding and to facilitate rainwater harvesting tanks to be sited below the building for grey water re-use within the dwellings created.
- The scale of the new buildings reflect that of the existing retained frontage building and the commercial building to be removed.
- The site is located within a busy town centre area and its width reflects the original burgage plots dating from the medieval period.
- The landscape proposals incorporate predominantly hard landscaped pedestrian amenity areas softened by planting strips.
- Vehicular and transport links will be unaffected by the application.
- Due to the existing site restrictions access into the site will be pedestrian (or cycle only).
- The site is level, however in order to ensure potential flooding will not impact on the new dwellings, the ground floor is raised by approximately 800mm above existing ground level.
- Level access to individual dwellings is provided by ramped access in accordance with Building Regulation requirements.

- 5.2 Ross Town Council: Concern was expressed that the development is marketed as family homes and therefore it was unrealistic not to consider provision for parking when there was limited availability of local transport in Ross-on-Wye. Affordable housing should be inclusive in a development of this size and Members of the Town Council would like to be consulted on any benefits available under Section 106.
- 5.3 A petition with 12 signatures from the residents of Wallace Court, Station Street, Ross-on-Wye objecting to this application has been received:
- Overdevelopment of the site, including height with many windows being placed in the elevation facing Wallace Court.
 - There are no windows in the present "green building" overlooking Wallace Court and the proposed building would be a gross invasion of privacy into the flats and grounds. This would be exacerbated if the building extends beyond the current building.
 - Access and egress for the builders from the already busy Brookend Street - is this possible with the Listed building restrictions to the retail end of the site?
 - Security for the residents of Wallace Court with the number of people possibly using the dry access gate into Wallace Court grounds when there is no flooding in the area.
 - Access and egress for emergency vehicles.
 - Attempted parking in the private grounds of Wallace Court during the building and then by the residents of the flats/mews houses.

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

6. Officer's Appraisal

- 6.1 The site is located in the Ross-on-Wye Conservation Area where special attention must be given to the desirability of preserving or enhancing the character and appearance of the area. The character of this part of the conservation area derives from a variety of architectural styles including height and scale of buildings, use of materials and detailing. The application proposes a replacement shopfront that will be of a Victorian style, a type that is considered acceptable in this locality. The bulk of this proposal is at the rear of site, the replacement of the warehouse type building and the 3 vacant shop units. These buildings are of no architectural/historic character or value to the conservation area. Accordingly, there is no objection to their demolition.
- 6.2 The application proposes the erection of a terrace type development that will accommodate 9 dwellings with a front aspect looking out towards Wallace Court. The linear form of the development recognises the narrowness of the historic burgage plot. The bulk, form and scale of the building are representative of the existing buildings. The Conservation Manager has no objection to the massing and scale of the proposal.
- 6.3 The site restraints of the plot dictate the form and siting of the proposal with doors and windows facing out towards Wallace Court. In relation to Wallace Court, upper floor bedroom windows look out over the grounds, access road, parking area and the western flank elevation and windows to hallways and bedrooms. The height of ground floor windows will be slightly higher than the 1.8 metres boundary fence that runs along the boundary with Wallace Court. The application site and Wallace Court have similar ground levels. There will be approximately 9 metres separation between the proposal and the flank elevation of Wallace Court. While there will be overlooking of the grounds to Wallace Court this degree of overlooking is not sufficient to detract significantly from the privacy of habitable rooms.

- 6.4 The application proposes a car-free development. Advice contained in Planning Policy Guidance 13: Transport advocates such a proposal in the appropriate location. Also, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing advocates the cutting of carbon emissions by focusing new development in locations with good transport accessibility and to ensure housing is developed in suitable locations, which offer a range of community facilities, and with good access to jobs and key services. Furthermore, PPG13 states that the availability of car parking has a major influence on the means of transport people choose for their journeys. Studies suggest that even in areas well served by public transport, if parking provided people will still travel by car. Therefore, if this option is removed, people are less likely to travel by car thereby creating a more sustainable environment. Car-free developments are unlikely to be appropriate with most sites but this site is ideally suited to such a proposal; there is public car parking almost opposite the site, Red Meadow, which would meet the parking needs of the development if required, and it is within walking distance to shops, jobs and entertainment facilities. While, the proposal is considered to be a sustainable development, the Traffic Manager is seeking a contribution of £6000 towards the upgrading of bus stops and the promotion of sustainable development. However, the new Supplementary Planning Document on Planning Obligations is not yet in effect and such a contribution on a development of this scale in Ross on Wye could only be secured on a voluntary basis at present. Consequently the recommendation below is not dependent on the transportation contribution.
- 6.5 In terms of archaeology, the site is located in a sensitive area, within the historic core of Ross-on-Wye as defined by the Central Marches Historic Towns Survey 1996. Ross-on-Wye is considered to be an archaeologically important urban area. The Archaeological Advisor has commented the nature and scale of ground disturbance will probably be moderately severe. It is though possible to mitigate any damaging effect of the development by means of an archaeological investigation prior to and during development works through the use of an appropriate foundation design.
- 6.6 The site is located in a flood risk area. The application has been submitted with a flood risk assessment, which the Environment Agency considers acceptable subject to conditions. The dry access route from Wallace Court into the application site is preserved in this proposal.

RECOMMENDATION

In respect of DCSE2007/3618/C

That Conservation Area Consent be granted subject to the following condition:

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

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

INFORMATIVES:

- N19 - Avoidance of doubt**
- N15 - Reason(s) for the Grant of Conservation Area Consent.**

Decision:

Notes:
.....

Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/3619/F:

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.

- 3. D01 (Site investigation - archaeology)**
Reason: To ensure the archaeological interest of the site is recorded.

- 4. 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.

- 5. No development shall commence until a scheme for the provision and implementation of a surface water regulation system including the Sustainable Urban Drainage System, as detailed in the Flood Risk Assessment, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.**
Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a sustainable means of surface water disposal.

- 6. Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the Local Authority Emergency Planning Officer and the Emergency services. The plan shall include full details of proposed awareness training and procedures for evacuation of persons and property and method and procedures for timed evacuation. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan.**
Reason: To minimise the flood related danger to people in the flood risk area.

- 7. Prior to the first occupation of the development flood-free access as shown on drawing number 50026-01, dated 3/1/08, including finished ground levels no lower than 33.19 metres AOD along the route, shall be in place and thereafter maintained.

Reason: To ensure a safe development and prevent flood risk.

- 8. The finished floor levels of the dwellings hereby permitted shall be no lower than 33.80 metres AOD, with finished floor level of the caf set no lower than the existing and flood proofing techniques incorporated at least 33.80 metres AOD, in accordance with the Flood Proofing and Flood Resilient Construction in the Flood Risk Assessment Addendum, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a safe development and prevent flood risk.

- 9. W01 (Foul/surface water drainage)

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

- 10. 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.

- 11. W03 (No drainage run-off to public system)

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

- 12. Before development commences architectural details of the shopfront to a scale of 1:1 or 1:5 shall be submitted to the local planning authority approved in writing.

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

INFORMATIVES:

- 1. W01 - Welsh Water Connection to PSS
- 2. N19 - Avoidance of doubt
- 3. N15 - Reason(s) for the Grant of Planning Permission

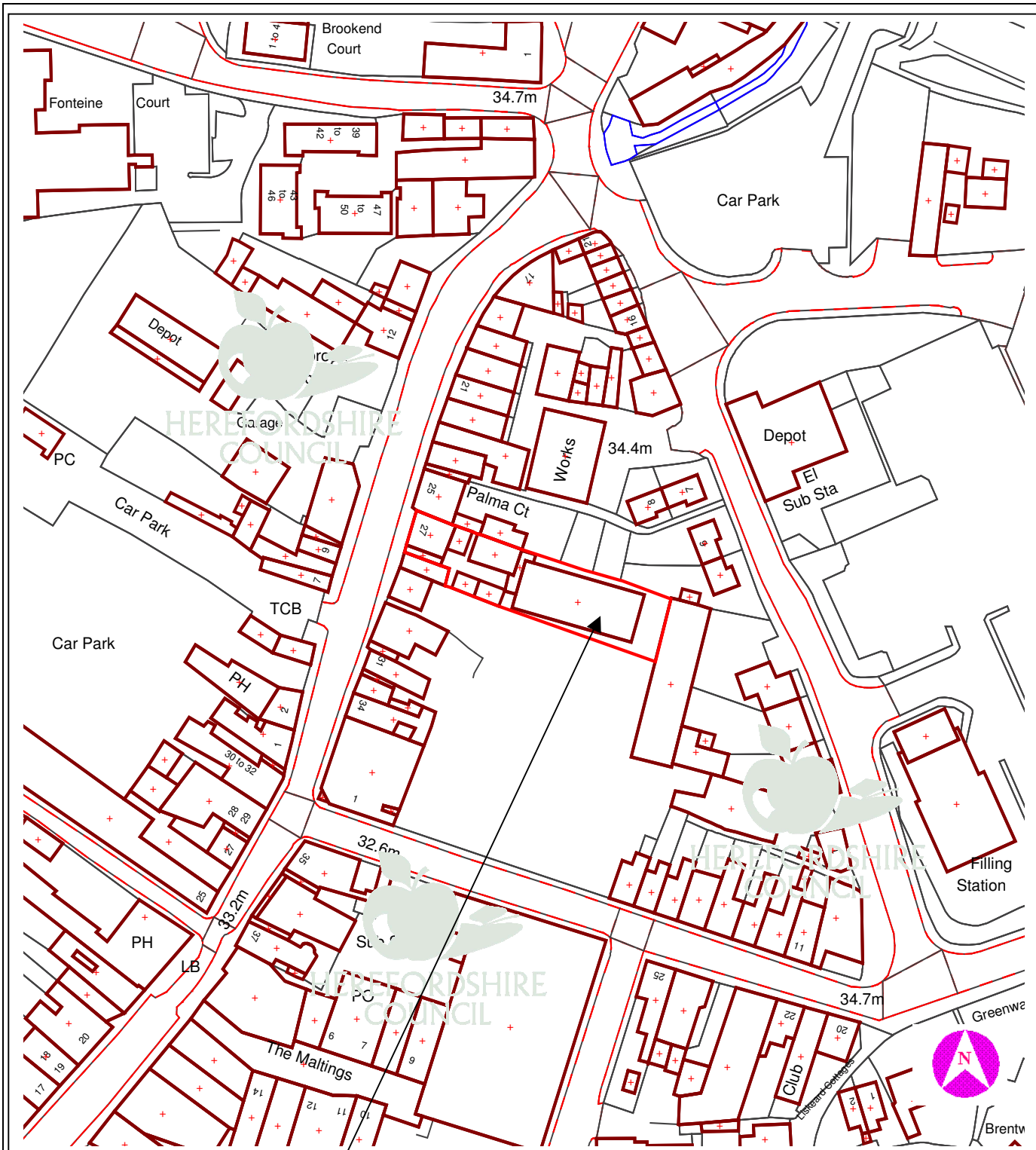
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NOS: DCSE2007/3618/C & DCSE2007/3619/F

SCALE : 1 : 1250

SITE ADDRESS : Palma Court, 27 Brookend Street, Ross-on-Wye, Herefordshire, HR9 7EE

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

7 DCSW2007/3846/O - RESIDENTIAL DEVELOPMENT, POND, PARKING FOR VILLAGE HALL AND SURGERY. PROPOSED LANDSCAPING AND TREATMENT PLANT. DEMOLITION OF PACK HOUSE, REMOVAL OF STATIC CARAVANS, COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT.

For: FM Green per Brian Griffin P & C C Ltd, The Cottage, Green Bottom, Littledean, Gloucestershire, GL14 3LH.

Date Received: 17th December 2007

Ward: Pontrilas

Grid Ref: 50356, 30456

Expiry Date: 11th February 2008

Local Member: Councillor RH Smith

1. Site Description and Proposal

- 1.1 The 0.59 hectares application site comprises a packing shed, a tall steel framed building and, to the west, a small area of trees encircling a pond. To the west and south-west of the pond are static caravans. There is an access road that skirts the northern side of the packing shed. This road serves Mayfield Cottage and Worcester Cottage, it then leads south-westwards across arable land.
- 1.2 The outline application proposes 9 new dwellings with the means of access the only reserved matter to be determined at this stage. Access is taken off a road that leads southwards from the A49(T) past the Doctor's Surgery and Community Hall and parish church, before continuing south past the packing shed, a spur road continues westwards past the northern end of the packing shed, it serves two private dwellinghouses and farm land further to the south-west.
- 1.3 An indicative plan provides details for a layout of 9 dwellings, comprised of 4 detached dwellings either side of the new access road, a pair of semi-detached dwellings in the north-western area of the site and, in the south-western area, a terrace of 3 dwellings; these have been identified by the applicant as being affordable dwellings. The remaining six dwellings will be open market dwellings. An existing pond will be filled in and a new one is proposed to the south of the site.
- 1.4 It is proposed to create a parking area for the benefit of users of the Doctor's Surgery, Community Hall and the church, e.g. for weddings, on the eastern edge of the site. This area adjoins Avalon, a dwelling immediately to the north of the application site.

2. Policies

2.1 Planning Policy Statement

- | | | |
|------|---|--|
| PPS1 | - | Delivering Sustainable Development |
| PPS7 | - | Sustainable Development in Rural Areas |

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy H6	-	Housing in Smaller Settlements
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H10	-	Rural Exception Housing

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager states that the carriageway will need to be adopted as well as the access to the unclassified road (u/c 71606). It would need to comply with the design guide.

4.3 The Conservation Manager states, notwithstanding that the plan submitted is indicative, that the layout does not integrate in this settlement. Vehicular circulation dominates the scheme.

4.4 Council's Ecologist states that an assessment needs to be undertaken for great crested newts and bats. An ecological survey needs to be commissioned.

5. Representations

5.1 In a statement that accompanied the application the applicant's agent makes the following main points:

- means of access to be determined at this state
- advice from the Barker Review, National Housing and Planning Advice Unit Paper, PPS1 and PPS7
- development centres on pack house/cold store grouping to south of A49(T) at Much Birch
- large and tall steel framed building used for packing and storage of fruit and vegetables, on 24 hour basis year round, to be demolished
- building has ground floor of approximately 674m, portion two-storey
- number of static caravans to south, plus water collection sump and hard cored area
- almost level site
- no settlement boundary for Much Birch
- number of facilities, village hall, Doctor's Surgery, primary school, church, good transport links and pavements to bus stops
- not within flood risk area

- not an infill site
- a windfall site; 35% dwellings affordable in accordance with Policy H9
- applicant will discuss provision of dedicated housing, i.e. for age groups, tenure types
- outline for 4 detached dwellings, 2 semi-detached and 3 terraced properties
- additional parking be made available to Parish along eastern frontage of site for up to 30 light vehicles (lack of parking for village hall, surgery and nearby church)
- treatment plant provided, as well as new pond
- access maintained to east, provides access to Court Farm to the south
- site arguably within boundaries of settlement, noisy pack house would be replaced by small residential development
- County has not built enough new houses over last 10-20 years
- Much Birch covered by Policy H6, site not covered by it nor Policy H10
- similar to Policy H4, except Much Birch is defined as a smaller settlement
- exception given need for more housing, removal of packing shed, caravans, provision of affordable dwellings, affordable housing for over 55s if required, and settlement has good range of facilities
- provides local need housing as required by PPS7, and affordable housing in PPS3
- an exception site, considerable merit for settlement and also long lasting benefits.

5.2 In a Design and Access Statement:

- site area 0.4 hectares, housing density 22.5 dwellings per hectare. Density higher than surrounding area, however it is in accordance with Government advice and provisions of the Unitary Development Plan
- accessed via a central 'T' road to serve two existing dwellings
- separate parking for 30 vehicles provided to east of site, for those going to church, Village Hall and Doctor's Surgery
- indicative layout provided
- maximum height 8.5m for detached dwellings and 7m for elsewhere
- properties surrounding site mix of bungalows and two-storey dwellings
- dwellings to west will be viewed together with layout of terrace, detached and semi-detached dwellings
- good visibility onto A49(T)
- scheme drawn up with community involvement, i.e. Much Birch Parish Council, a number of design features included at their request.

5.3 Much Birch Parish Council make the following observations:

“Application is supported by the Council and request that the affordable housing offered is for the over 55s. The Council welcome the parking facilities for both the village hall and doctor's surgery, as parking at present is a problem for these at present.”

5.4 Three letters of representation have been received from:

A Beaumont, Worcester Cottage, Much Birch, HR2 8HT
Mr J & Mrs MA Pearl, Mickleden, Much Birch, HR2 8HT
Mr J Hollingshead, Avalon, Much Birch, HR2 8HT

The following main issues are raised:

- two detached houses will overlook my property
- a lot of water comes down the lane from the A49, only one drain on this lane
- a lot more traffic (farm traffic, including mini-buses, vehicles in connection with hall, surgery and church) lane needs improving and maintaining
- have right of way over road serving the development
- drainage from my property (Worcester Cottage) and Mayfield Cottage runs onto the site and then onto Court Farm via drain. Flow slowed by excavation works at pack house
- my land flooded; rectified by drainage which will be severed by development
- removal of pack house, an eyesore will greatly improve area as will removal of rubbish and temporary buildings
- additional car parking provided, alleviates problems in vicinity, i.e. Hall and Surgery
- urge Council to approve application.

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

6. Officer's Appraisal

- 6.1 The main issue is the status of the site with regard to the Unitary Development Plan. Much Birch is designated as a smaller settlement and the criteria for such settlements is set out in Policy H6. The applicant's agent also states correctly that the development proposed falls outside the remit of Policy H6 given that the site does not constitute limited infilling, as defined by Policy H6 of the Unitary Development Plan. This principle has already been endorsed in various appeal decisions including one relating to residential development on the Mushroom Farm site further along the A49(T), close to the Axe and Cleaver Public House.
- 6.2 The other relevant housing policy is Policy H10 which sets out the criteria for sites adjoining those sites identified in Policy H6, i.e. smaller settlements such as Much Birch and larger settlements listed in Policy H4. The identified sites need to be environmentally acceptable, have good access to facilities, but also crucially provide only affordable housing, no market housing is permissible. The need for affordable housing also needs to be substantiated by a local housing need survey, normally in the form of a parish survey. The policy also requires that such housing provision as identified by the housing needs survey could not be otherwise met on another site in the parish. It is evident that the application has not addressed the issues of need identified by a recent parish survey nor evidence that this need could not be provided on another site. In any event Policy H10 (Rural Exception Housing) wholly relates to affordable housing and cannot apply to the proposed open market housing.
- 6.3 Reference is made by the applicant's agent to Policy H9 in the Unitary Development Plan which relates to 'Affordable Housing'. It relates to allocated and windfall sites. These sites relate though only to Hereford and the market towns (excluding Kington) together with settlements identified in Policy H4, i.e. larger settlements. The affordable provision of 35 per cent of dwellings being for affordable housing relates to market towns and larger settlements, but not to smaller settlements such as Much Birch. Therefore the application does not satisfy the requirements of Policy H9.

- 6.4 The second issue relates to the existing pond which the Council’s Ecologist has identified as possibly providing a habitat for great crested newts and bats. A survey has been carried out, however at the time of drafting this report it has not been possible to re-consult the Council’s Ecologist. The requirements set out in Policies NC1, NC2, NC3, NC4 and NC5 seek to determine the effect of development on bio-diversity has not, therefore, been met. Whilst the proposal entails the provision of a new pond, until such time as the authority can determine the importance of the existing pond and its environs the application is contrary to the provisions of policies in the Unitary Development Plan cited above that seek to assess existing wildlife habitats and mitigate for new development.
- 6.5 The remaining issues relating to drainage issues raised by residents in the vicinity of the site are matters that would normally be addressed within the remit of a detailed planning application. Third party rights are matters that are treated separately from any planning permission granted.
- 6.6 The principal community benefit offered by the applicant is the provision of additional car parking spaces for public use. This is not sufficient to outweigh the conflict with Herefordshire Council’s own planning policies and would arguably lead to additional traffic which would not, of itself, be desirable.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed development does not constitute infilling development, accepted windfall development or accepted affordable housing, therefore the development is contrary to the provisions of Policies H6, H9 and H10 of the Herefordshire Unitary Development Plan 2007.**
- 2. A habitat survey/mitigation report has not been provided in relation to fauna utilising the existing site and therefore the proposal does not satisfy the need to establish the bio-diversity of the scheme and is contrary to the provisions of Policies NC1, NC2, NC3, NC4 and NC5 of the Herefordshire Unitary Development Plan: 2007.**

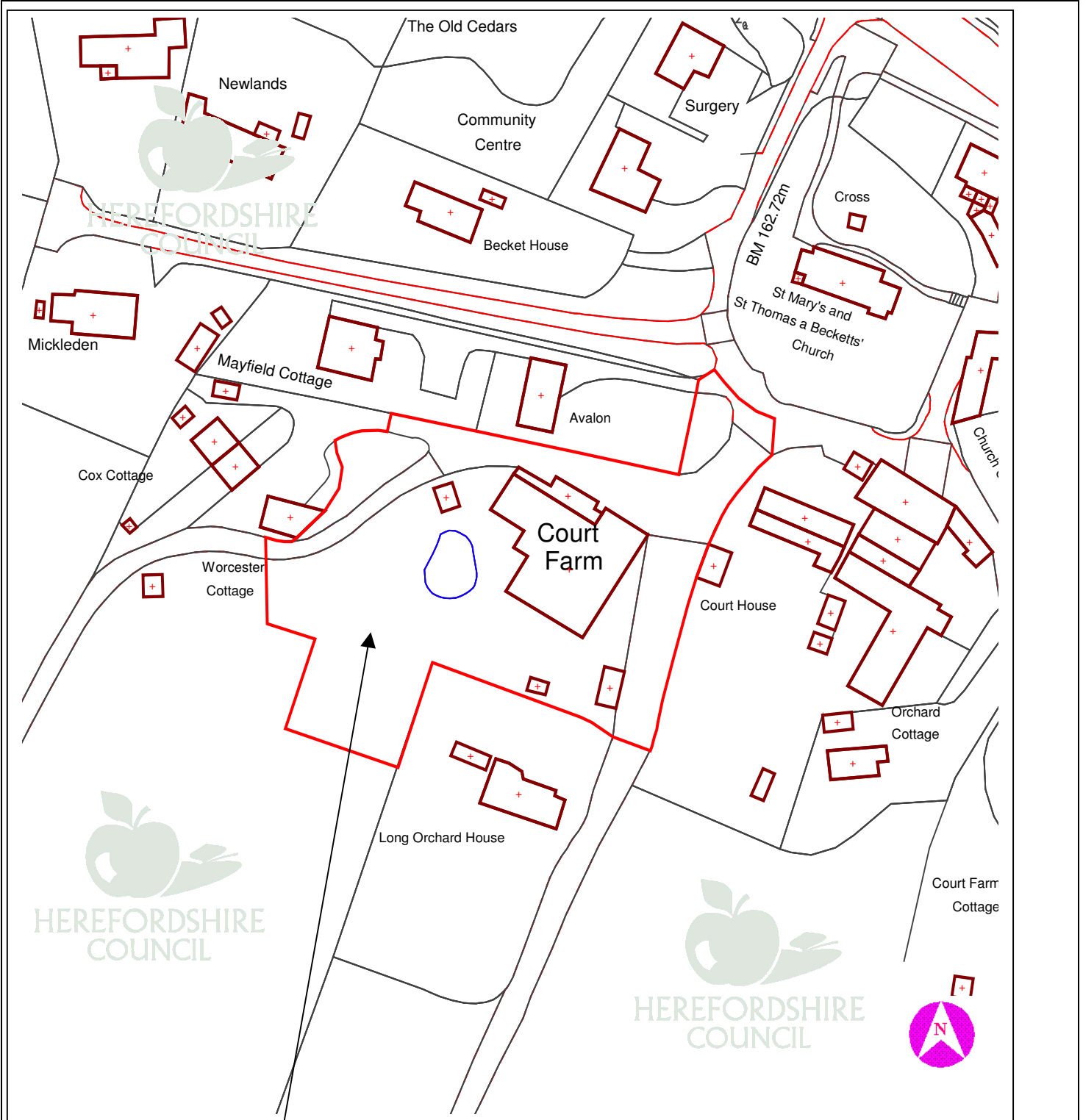
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCSW2007/3846/O

SCALE : 1 : 1250

SITE ADDRESS : Court Farm, Much Birch, Herefordshire, HR2 8HT

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 DCSW2008/0118/O - PROPOSED RESIDENTIAL DEVELOPMENT, PART OF O.S PLOT NO'S 1179, 1578, 1526 & 2381 ADJOINING COOPERS HALL, CUSOP, HAY ON WYE, HEREFORDSHIRE, HR3 5BE.

For: Penoyre Trust per Mr A Jenkins, 12 Broad Street, Hay-on-Wye, Herefordshire, HR3 5DB.

Date Received: 17th January, 2008

Ward: Golden Valley Grid Ref: 23156, 42857 North

Expiry Date: 17th April, 2008

Local Member: Councillor PD Price

1. Site Description and Proposal

- 1.1 The proposal site is on the eastern side of the B4350, also known as Newport Street, that leads northwards out of Hay-on-Wye through a grouping of residential and commercial buildings, including the former railway buildings and Co-op supermarket before heading towards Clifford.
- 1.2 The 0.87 hectare site constitutes a paddock between a detached cottage on the northern boundary and Coopers Hall Terrace on the southern boundary. The site inclines slightly from the Class II road. There is a gateway close to the northern end of the site. The site is fringed by hedging; there are five fruit trees otherwise the site is featureless.
- 1.3 The application site has been allocated in the Unitary Development Plan for housing, 35 per cent of which will be affordable housing as stipulated in Policy H9 in the Unitary Development Plan. The site allocated originally was one hectare in area, this has reduced to 0.87 hectares, with the area of land immediately to the east of Coopers Hall being removed from the scheme.
- 1.4 The planning application seeks approval for the principle of residential development of the whole site with the means of access as the only reserved matter to be finalised at this stage. The design and access statement specifies 25 new houses and is supported by an illustrative layout.

2. Policies

2.1 Planning Policy Statement

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
PPS25	-	Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

Policy S2	-	Development Requirements
Policy S3	-	Housing

Policy S11	-	Community Facilities and Services
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy H4	-	Main Villages: Settlement Boundaries
Policy H5	-	Main Villages: Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H15	-	Density
Policy H19	-	Open Space Requirements
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora

3. Planning History

- 3.1 DCSW2007/3088/O Site for residential development - Refused 02.01.08

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency states that on the basis of the information provided, given that the site and access lie a considerable height above the 1 in 100 year flood event, no objections are raised.
- 4.2 Welsh Water raises no objection subject to the imposition of conditions ensuring the separation of foul and surface water discharges. No surface water connection to public sewerage nor land drainage run-off directly or indirectly into the public sewerage system.

Internal Council Advice

- 4.3 The Traffic Manager states that visibility of 2.4m x 90m is required and there is also a need to restrict speeds on the B4350 to 30mph.
- 4.4 Strategic Housing Manager supports application for 2 and 3 bedroom houses, all built to Housing Corporation Scheme Development Standards and Lifetime Homes without grant subsidy. Affordable houses were not identified in indicative layout seen, therefore he cannot comment on house types.

A subsequent communication confirmed that the affordable housing should be broken down into 80 per cent rent and 20 per cent shared ownership. Houses to SDS and Lifetime Homes Standards.

- 4.5 The Director of Education's response is awaited.
- 4.6 The Director of Policy and Community suggests that development of size indicated would require an off-site contribution: of £500 per bedroom after the first; this equates roughly to £18,500 based on 37 bedrooms.

The Director has also asked for a contribution towards sports facilities in response to Sport England's requirements, equates to £630 per dwelling. Contributions would be used towards improvements in village in partnership with the Parish Council based on the Parish Plan.

4.7 The Conservation Manager previously recommended an archaeology watching brief.

5. Representations

5.1 A Design and Access Statement accompanied the application, the following main points were made:

- site zoned for residential development
- intended 25 houses, 13 no. 3 bedroom and 12 no. 2 bedroom houses each with 2 parking spaces (see indicative plans)
- dwellings approximately 950 sq. metres (3 bedroom) and 850 sq. metres (2 bedroom)
- approximately 5 metres to eaves and 8 metres to ridge
- only one possible access point, it can provide suitable visibility splays
- approximately 200mm above level of 'B' road, therefore access requirements for disabled can be readily satisfied
- all services available
- mains foul drainage in 'B' road. Trial holes revealed a bed of sand, shale and stone approximately 2.5 metres below ground level. All surface water can dissipate slowly via site soakaways.

5.2 Cusop Parish Council's comments are as for previous application (DCSW2007/3088/O):

"This outline proposal is generally in line with the Unitary Development Plan and the mix of affordable and open market housing is the favoured option identified in the Cusop Parish Plan. However, the proposal does not address the problem of sewer capacity (UDP 5.4.44) nor the requirement for open space (UDP H19).

A major concern is that the development will split the village into two segregated areas, this must be addressed in some way in order that residents are made to feel a part of Cusop rather than a suburb of Hay. It is also of great importance that the community derives some tangible benefit from this development, hence the attached letter dealing with the issue of planning obligations.

Cusop Parish Council wishes to add the following comments:

1. There should be no more than 25 houses on this site.
2. 8 of these should be affordable homes with a community social landlord.
3. The need for housing suitable for senior citizens should be considered.
4. Size and style of housing should relate to page 18 of Cusop Parish Plan.
5. The development should include a green area for recreation/social use.
6. OS Plot 2381 is outside the village envelope and this extension is unjustified.
7. The whole of OS Plot 1578 is in the envelope but mainly excluded from the proposal. Attempts to develop this with access on to Nant-y-glasdwr Lane should be resisted.
8. A pedestrian crossing will be required for safe crossing to the pavement of Newport Street."

- 5.3 In a letter that accompanied the Parish Council's observations reference was made to the likelihood of funding not being available for a village hall and the refurbishment of the playing field. Also noted equipped play area required viz. Policy H19. New right of way needed, to connect CU21 (footpath to the development site for reasons of social cohesion. This would avoid splitting the population into two unconnected areas.
- 5.4 Two letters of representation have been received from:

Mr R & Mrs J Whittall, Taurus, Newport Street, Hay-on-Wye, HR3 5BE
IK Jardin, Burnside, Cusop, Hay-on-Wye, HR3 5RQ

The following main points are raised:

- live adjacent to site
- needs to be high quality layout as stipulated in Unitary Development Plan
- object to layout and density, notwithstanding some frontage development proposed
- nos. 1 and 2 too close to our property
- only two-storey
- prominent when viewed from east, in particular from public footpath
- no more than 7 metres to the ridge
- needs good planting scheme
- restrict car parking to 2 spaces per dwelling, given proximity of site to services
- no open space indicated
- how can affordable housing be provided; what is the mechanism? Ensure it is integrated into layout and not allocated to one area
- sewerage system at least 40 years old, gives great concern
- possible flooding from site, at least 1 metre lower. Often lawned areas are later hard surfaced on developments
- need traffic calming measures, as vehicles exceed 30mph.

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

6. Officer's Appraisal

- 6.1 The main issues are considered to be the principle of development, the means of access, drainage, potential for flooding, archaeological interest, open space, provision and requirements of the developer to provide off-site contributions in accordance with Unitary Development Plan policy and the draft SPD.
- 6.2 This is an allocated site in the Unitary Development Plan. The site area proposed is smaller in area than that allocated, however this is acceptable. The development of the site left between the application site and Nant-y-glasdwr Lane would be problematical given the very poor access from this highway. An indicative plan was submitted which has been the subject of some criticism in representations received, however given the plans are indicative this is a matter that will be the subject of further attention when a detailed application is submitted. This is an important site at the entrance to Cusop and Hay-on-Wye on Newport Street. The Unitary Development Plan states that a high quality scheme is required. Residents adjoining the site are concerned about the proximity of two dwellings, however given the scheme is indicative it is not a matter that is a material consideration at this stage.

Means of Access

- 6.3 The Transport Manager has stated that alterations are needed to the junction width and radius for the access point and that the 90m visibility splays will need to be provided even though the scheme just falls short of providing such visibility towards Hay-on-Wye to the west and Clifford to the east. Traffic calming measures may be required in order to ensure that the speed of traffic passing the site is compatible with the visibility splays that can be provided. The means of access needs to be resolved at this stage and therefore revised plans will be required for the junction.

Foul and Surface Water Drainage

- 6.4 Welsh Water have stated in consultations that there is adequate provision for foul drainage. This issue was flagged up in the Unitary Development Plan, however, given the response of Welsh Water the need for improvements by the developer will probably not be required. Welsh Water recommend conditions to separate foul and surface water to prevent direct or indirect discharge of surface water into the sewerage system.

Flooding

- 6.5 The applicant has resolved the question of flooding with the submission of sectional plans through the site from north to south, and east to west. The Environment Agency has formally responded that this issue has been addressed.

Archaeology

- 6.6 This has been raised by the Council's Conservation Manager given the proximity of the site to a former mill building and the proximity to the railway station yard. The Conservation Manager recommends appropriate conditions.

Open Space Provision

- 6.7 A site for up to 25 dwellings would normally expect to have an equipped infant's play area as required by Policy H19 in the Unitary Development Plan. However, the Council's Countryside Manager would prefer that a commuted sum is provided in order to provide monies towards works being carried out on parish playing fields. The extent of these works is also confirmed by the Cusop Parish Council in their observations set out above. Off-site contributions would be of more beneficial use for such projects in Cusop than for the provision of an equipped play area on site which is relatively remote from the core of population in Cusop.

Contributions in accordance with Policy DR5 (Planning Obligation)

- 6.8 This development has to be determined in accordance with the provisions of Policy DR5. The draft SPD for off-site contributions and the provision of affordable housing is not yet in effect but has been used to guide negotiations.

The Countryside Manager is seeking funds for off-site funding of playing field projects which is considered to be a good community benefit and reasonably related to the development. The Transport Manager has yet to respond. However, the Parish Council are seeking a footpath link between the application site and a public footpath (CU21) which would link the area of the Parish centred around the Co-op and former railway yard with that of the old village hall and Cusop Dingle. This is a matter that has

been the subject of informal discussion between the applicant and the local planning authority. It would provide a community benefit and remove pedestrian traffic from Nant-y-glasdwr Lane.

- 6.9 The Education Manager has also yet to respond, however it is anticipated that contributions would be anticipated for local schools on the basis of the number of dwellings finally erected in accordance with the provisions of the draft SPD.
- 6.10 Herefordshire Housing has recommended that 80 per cent of the affordable housing should be for rental purposes and the remainder for shared equity. The percentage of dwellings built that would be affordable will be 35 per cent as provided for in Policy H9. This element of affordable housing would need to be guaranteed by planning obligation.
- 6.11 The application can be supported subject to the applicant entering into a Planning Obligation set out in the draft Heads of Terms attached to this report. A verbal update will be provided at Sub-Committee for financial contributions not known at this time.

RECOMMENDATION

That: i) the Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools and affordable housing as set out in the attached Heads of Terms

ii) upon completion of the aforementioned planning obligation and the resolution of details, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:

1. A02 (Time limit for submission of reserved matters (outline permission))

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

2. A03 (Time limit for commencement (outline permission))

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

3. A04 (Approval of reserved matters)

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

4. A05 (Plans and particulars of reserved matters)

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

5. D01 (Site investigation - archaeology)

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

6. W01 (Foul/surface water drainage)

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

7. W02 (No surface water to connect to public system)

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

8. W03 (No drainage run-off to public system)

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

9. H03 (Visibility splays)

Reason: In the interests of highway safety.

10. H17 (Junction improvement/off site works)

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

11. H20 (Road completion in 2 years or 75% of development)

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

12. H27 (Parking for site operatives)

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

13. H08 (Access closure)

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

Informative(s):

1. N19 - Avoidance of doubt

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement****Section 106 The Town and Country Planning Act 1990****Planning Application DCSW2008/0118/O****Proposed residential development, part of OS Plot Nos. 1179, 1578, 1526 and 2381 adjoining Cooper's Hall, Cusop, Hay-on-Wye, HR3 5BE**

1. The developer shall provide 35 per cent affordable housing units which meet the criteria as set out in section 5.5 of the Herefordshire Unitary Development Plan. The affordable housing units will comprise of 80 per cent rental units and 20 per cent shared ownership dwellings. 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 £18,500, which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - in partnership with the Parish Council.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £15,750 (in accordance with the Sport England Sport Facility Calculator) to contribute towards increased participation in active sports, 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 £xxxxx to provide education improvements. 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 £xxxxx. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council for off-site highway works and improved public and sustainable transport infrastructure to serve the development.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes (the list is not in any order of priority):

- extending 30mph speed limit towards Clifford
- bus shelter on Hardwick Road
- extension of existing footpath north-east of B4350

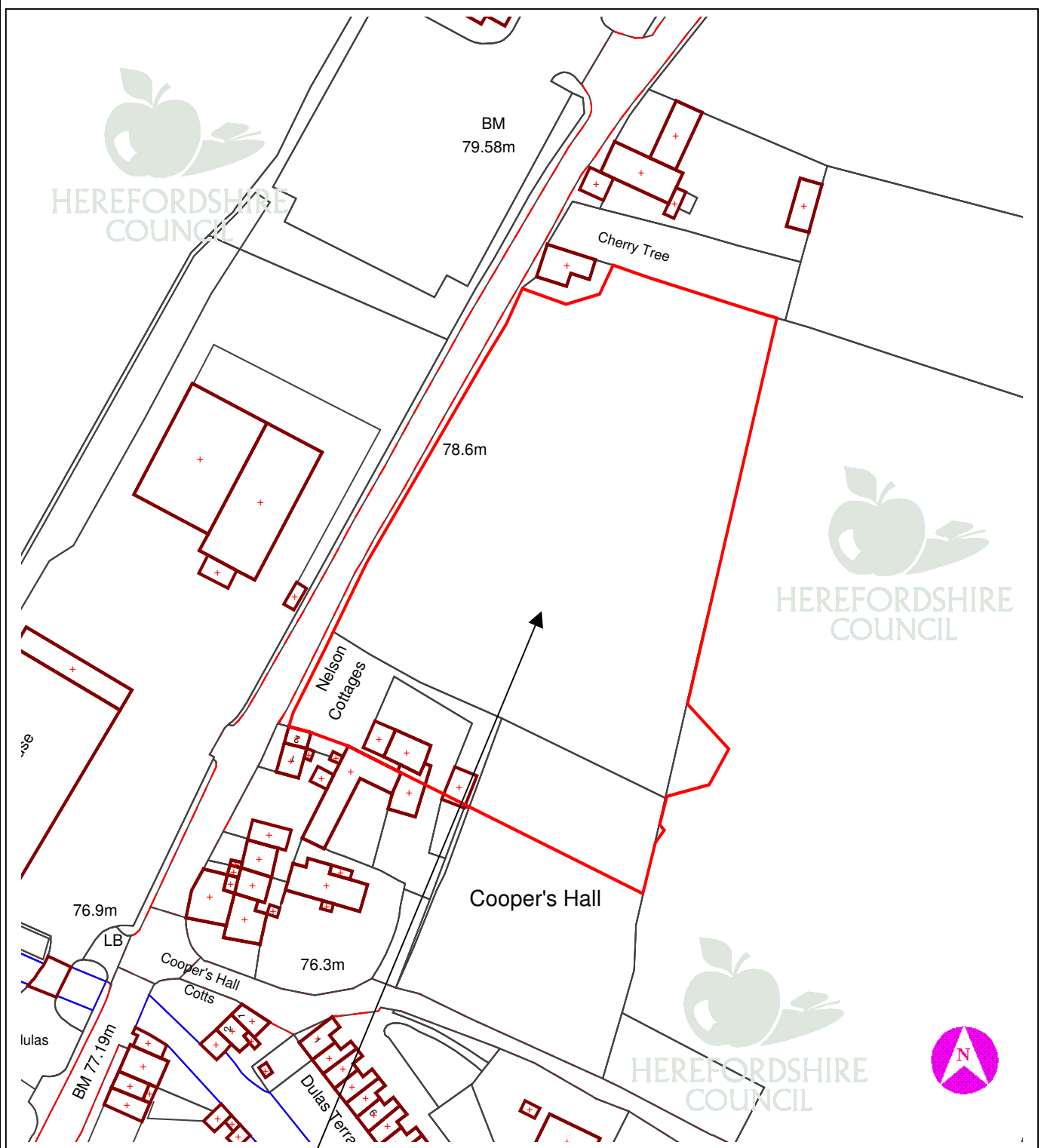
- improvements to existing footpath north-west of the site
 - improvements to sustainable travel initiatives in Cusop
 - improving links in Cusop and to Hay
6. The design and construction of the development shall include energy efficiency measures to reduce the carbon footprint of the development. The development shall meet local level three of the Code for Sustainable Homes: A step change in sustainable home building practice design produced by the Department for Communities and Local Government dated December 2006. The developer shall provide pre and post construction compliance certificate to Herefordshire Council confirming that the development has been designed and complied to meet level three.

In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 2, 3, 4 and 5 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

- a) The sums referred to in paragraphs 2, 3, 4 and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council. The sums shall also be varied in proportion to any variation in the total of 25 dwelling units which may arise following subsequent approvals of reserved matters pursuant to the outline planning permission.
- 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 16th April, 2008 otherwise the application will be registered as deemed refused.

Andrew Prior, Principal Planning Officer
Peter Yates, Development Control Manager

February 2008



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

APPLICATION NO: DCSW2008/0118/O

SCALE : 1 : 1250

SITE ADDRESS : Part of O.S plot no's 1179, 1578, 1526 & 2381 adjoining Coopers Hall, Cusop, Hay on Wye. Herefordshire, HR3 5BE

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