

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 4th June, 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:

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Herefordshire Council

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice-Chairman)

Councillors LO Barnett, WLS Bowen, RBA Burke, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

Pages

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

To note that, at the Annual Council meeting on 16 May 2008 Councillor JW Hope MBE was re-elected Chairman and Councillor PJ Watts was appointed Vice-Chairman of the Southern Area Planning Sub-Committee.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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.

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.

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.

4. MINUTES	To approve and sign the Minutes of the meeting held on 7 May 2008.	1 - 16
5. ITEM FOR INFORMATION - APPEALS	To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	17 - 20
PLANNING APPLICATIONS		
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.		
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.		
6. DCNW2008/0863/F - LAND ADJACENT TO STONEWOOD COTTAGE, OXFORD LANE, KINGTON, HEREFORDSHIRE.	Proposed erection of one house.	21 - 28
7. DCNW2008/0942/RM - LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE	Proposed residential development of 46 dwellings, garages, associated roads, sewers and works.	29 - 36
8. DCNC2008/0762/F AND DCNC2008/0763/L - THE FORBURY RESIDENTIAL HOME, CHURCH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8NQ	Single-storey extension to provide additional bedroom accommodation.	37 - 44
9. DCNW2008/0293/F - RHIWLAS FARM, TITLEY COURT ESTATE, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL	Conversion of and alterations to period stables to create three residential dwellings.	45 - 54
10. DCNC2008/0440/O - PINSLEY WORKS AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX.	Site for development to form twenty one apartments, access road and parking.	55 - 66
11. DATE OF NEXT MEETING	25 June 2008	

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- 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.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at : The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7 May 2008 at 2.00 p.m.

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

Councillors: LO Barnett, WLS Bowen, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

180. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, ME Cooper and PJ Watts.

181. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
PM Morgan	Minute 186, Agenda Item 7 DCNC2008/0155/F Land between Dark Lane and A4110, Leintwardine, Craven Arms, Herefordshire, SY7 0LJ	Declared a prejudicial interest and left the meeting for the duration of this item.

182. MINUTES

RESOLVED: that the minutes of the meeting held on 09 April 2008 be approved as a correct record and signed by the Chairman.

183. ITEM FOR INFORMATION - APPEALS

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

184. DCNW2008/0130/F - LITTLE ORCHARD FARM, EARDISLAND, LEOMINSTER, HEREFORDSHIRE,

The Following updates were reported:

- Further letters of objection and/ or reservation had been received from the following (those marked with an * have previously made representation on this application):
 - Karyn Probert, Yew Tree Cottage, Eardisland
 - Richard Bowen, Staunton House, Staunton-on-Arrow

- Mrs Carolyn Mills, Tallow Wood, Lawton Cross
- *Lynn Watkins, Bridge Cottage, Eardisland
- *Mr James Macrae, Riversdale, Eardisland
- *B A Lloyd, Cider Hall, Eardisland
- *Paul Beard, Crown Cottage, Eardisland (x2)
- *R and RTH Kirby, The Old Barn, Lyme Lane, Eardisland
- *Charlotte and Christopher James, Glan Arrow, Eardisland
- *Dr Keith Michell, Arrow Lea, Eardisland
- *Mr Peter Brown, Lawton Lea, Eardisland (attachments include copies of plans coloured in to show extent of development and a photos of the road during flooding)
- *Gay Dobbs, Lower Hezetrete, Eardisland (copy of letter to EA)

These letters had reiterated concerns and objections listed in the committee report and had raised some **additional issues**, summarised as follows:

- 1) The application lacks details on the increase in traffic movements to and from the site from visitors, staff, suppliers etc. The proposal will create a considerable volume of vehicle movements along this lightly trafficked road.
- 2) Traffic levels are underestimated. Estimates of 20,000 are conservative but it will probably be 2-3 times that.
- 3) The pre application presentation by the applicant did not fully explain the extent and scale of the proposals.
- 4) Any development that adds to the flooding causes concern to those affected. The EA have failed to consider the effect of the development on nearby properties, only the site itself. Can the Councils aim for a Sustainable drainage system actually be achieved? Doubtful that this could be dealt with by way of a condition given the high standard of drainage required. Drainage is very crucial to this proposal and a sustainable drainage system should form part of the application.
- 5) Proximity of village to Conservation Area and the views on the approach and when leaving the village are very important and have not been fully considered.
- 6) The buildings are of substantial structure and are made more prominent by their bulk, colour and close positioning. Landscaping would take decades to reduce the impact and would never be effective in adequately softening the development. The development would be substantial structures made more prominent by their bulk, ridge, prominence, colour and close positioning.
- 7) Concern about not being notified of the proposal and the procedures of the Council blocking residents
- 8) The immediate road frontage by the current entrance / exit floods 2/3 times per year. The proposal states that storm water from some buildings will drain to the new lake. The intention is then to discharge the lake overflow directly to the river via a new drain under the road.
- 9) Request that the application is scaled down and fully address the drainage issues

- 10) What happens to the site if the business fails?
 - 11) Is it right to put a zoo on this rural site 250m from a conservation village?
 - 12) The marginal impact of this type of tourism (day trippers) on the local economy?
 - 13) Bed and Breakfasts and local pubs will benefit from those tourists staying in the area but this has to be balanced between these visitors and those that are simply passing through. The impact on the village from the vast majority of visitors will be to put increasing pressure on an already limited infrastructure. Other visitors who are following the black and white trail may be put off Eardisland because it has been overrun by tourists.
- Letters (emails) of support had been received from;
 - Annette Blythe, Lucton School
 - Helen Simpson, Burton Court
 - Barbara Jones, Lower House, Eardisland
 - Jan and Stuart Burke, The Kings House Restaurant, East Street, Pembridge
 - Martin and Marlene Hewitt (email address only)
 - Walter Jones, Lower House, Eardisland
 - Beryl M Hoda, Arrow Lawn, Eardisland

These letters had made the following points (summarised):

1. Register their favour for the development
 2. The plans are extremely well thought out
 3. Offer support to Mrs Parry Jones who is a leading expert in the field of these birds
 4. It will bring much needed tourism and maybe more employment to the area and is a wonderful opportunity for Herefordians to benefit by having such a centre for us to appreciate birds of prey.
 5. I live next door and fully support the planning application
 6. Record full support for the project which will be a major boost to the economy of this region.
 7. Lived next door to the Birds of Prey Centre at Newent and never had any complaints about lighting, noise, or traffic problems.
 8. Extinction and endangered species are words which we frequently hear – excellent opportunity for both local children and children from surrounding area to learn about conservation, bird behaviour, habitats and wonder at the incredible design of the bird for flying.
- A public meeting had been held at Eardisland Village Hall on Friday 2nd May. 76 members of the public had attended. Minutes and a summary of points made had been submitted. The summary of points (as provided) are as follows:
 - Well built structures – but won't soften with age
 - Concern regarding size and number of buildings
 - Large birds – need space
 - Visual impact
 - Open, exposed site – beech hedges to be grown

- Problem with light – do not want to lose the night sky ensure no security lighting
- Night lighting – jars with night lights and torches
- Traffic – visitors likely to stay longer than at most tourist attractions
- Stagger coach parties
- Car parks – size specified
- Coaches – expect 1 (caveat for 3 spaces)
- Day time disruption only
- Infrastructure in village sufficient?
- Too many visitors
- Benefits to pubs and café
- Visitor numbers?
- Are amenities sufficient – toilets, parking?
- Floods – concern about management of excess water
- Lake will take excess water, what happens if this overflows?
- Business aspects – concern about growth if successful, if it fails what happens to this substantial site don't want an industrial site or housing estate. (Condition on application that if business fails, buildings that house birds are to be removed.)
- Local employment – four people currently working voluntarily
- Benefits for young people
- Courses – photography
- Noise from loud speakers – will be minimal
- Concern about problem with aircraft – no
- Effect on wild birds – no
- Birds of Prey Centre preferable to any other developments
- Very exciting attraction – great asset for tourism
- Another attraction for locals as well as tourists
- Planning caveats requested – No lighting
- Sound to be minimal (e.g. closed loop system)
- Specified number of mature trees
- Management of floodwater drainage
- Design of drainage system.

The meeting had been well attended by 76 members of the public. All of the above are views and opinions expressed by the public and are not a response from the Parish Council.

- Further details were also received from Linden Alcock (Agent) and was noted that these had apparently been forwarded to all members and had included letters of support (testimonials) from:
 - Robin Pote, Former Head of Science at Moor Park, Ludlow, Shropshire
 - Mike Piercy, Headmaster, Moor Park, Ludlow, Shropshire
 - Linda Wright, Teacher of Biological sciences, Haberdashers' Monmouth School for Girls.
 - Martin Flamank, BvetMed MRCVS, Bromyard Veterinary Surgery
 - Mrs C M Simpson, Bouldson, Upton Bishop
 - Nell and Mike Credland, Bouldson Lea, Great Bouldson, Newent
 - Alice Lowe, Black House, Farm, Newent, Glos

The Principal Planning Officer had provided the following update in response:

- On the basis of the continued concern relating to the proposal I have revisited the issue of drainage and would suggest that condition 19 of the report is amended as follows:

No development approved by this permission shall be commended until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The surface water run-off rate shall be no greater than the green field run off rate. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and to comply with Policy DR7 of Herefordshire Unitary Development Plan.

Note: The run-off must be limited to the Greenfield run-off rate and demonstrate attenuation to the 1% plus climate change event in line with PPS25 Annex B2.

The Local Ward Member, Councillor JHR Goodwin, complimented planning officers on the quality of the report, and remarked on the applicant's co-operation in providing additional information. He felt all of his previous concerns about the application had now been satisfied by the updated report, and by the Sub-Committee's inspection of the site following its previous meeting on 09 April 2008. He drew the Sub-Committee's attention to various conditions that had been proposed, should planning permission be granted, and expressed his satisfaction that these conditions would offer adequate controls for the site and the activities taking place therein. He stated that the proposed opening hours of the business, contained in Paragraph 5.6 of the report, were generally less than those recommended by Planning Condition E03, and he felt that they were acceptable. He asked the Council to consider applying a 40 mph speed limit on the C1035 to enhance road safety in the area of the application site.

Councillor WLS Bowen felt that the application would provide excellent facilities for tourism in Herefordshire, and although it would change the landscape of the immediate area, he was satisfied that the planning conditions proposed gave sufficient means to return the land to its former state, should the business cease. In response to a question from him, the Principal Planning Officer confirmed that the final landscaping scheme would include some mature tree stock of approximately eleven metres, to provide effective screening. She also confirmed that she would finalise the details of the drainage scheme with the Council's Drainage Engineer and with the Environment Agency, that the conditions relating to noise on the premises were enforceable, and that the animal burrow on the site was not a badgers' sett, and was more than thirty metres from the development.

Other members expressed concerns about potential traffic flow and the scale of the development, but concluded that there were no planning grounds on which to refuse the application, and that effective conditions were in place to control every aspect of the development.

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

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

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

2 B01 (Samples of external materials)

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

3 G01 (Details of boundary treatments)

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

4 No amplified sound/noise shall be audible outside of the boundaries of the site.

Reason: To protect residential amenities.

5 The proposed Veterinary Clinic and Research Buildings shall be used as ancillary buildings to the Birds of Prey Centre and shall not be open to members of the public or for the operation of any other veterinary business.

To define the terms of this permission and ensure that the building is not operated as a veterinary business separate to the proposed centre in the interests of neighbour amenity and highway safety.

6 G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped, landscaped and has a suitable boundary treatment in the interest of neighbour amenity.

7 Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and associated hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

8 E03 (Restriction on hours of opening)

Reason: In the interests of the amenity of the existing residential property in the locality.

9 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities

10 F40 (No burning of material/substances)

No materials or substances shall be incinerated within the application site.

Reason: To safeguard residential amenity and prevent pollution.

11 The recommendations set out in the ecologist's report dated April 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority. Prior to development, a habitat enhancement scheme with details of planting specifications should be submitted to the LPA and implemented as approved.

Prior to development, a habitat protection scheme to protect the area around the badger sett shall be submitted to the LPA and implemented as approved."

Reasons:

To ensure badgers are protected under the Badgers Act 1992 and policies NC1, NC5, NC6 and NC7 within the UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

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

- 12 Full details of the proposed spectator benches to the flying area should be submitted to and approved in writing prior to their installation. Works shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to protect the landscape character of this area of the site.

- 13 G04 (Landscaping scheme (general))

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

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

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

- 15 H29 (Secure covered cycle parking provision)

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

- 16 H10 (Parking)

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

- 17 H30 (Travel plans)

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

- 18 H05 (Access gates)

Reason: In the interests of highway safety.

- 19 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The surface water run-off rate shall be no greater than the green field run off rate. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and to comply with

Policy DR7 of Herefordshire Unitary Development Plan.

Note: The run-off must be limited to the Greenfield run-off rate and demonstrate attenuation to the 1% plus climate change event in line with PPS25 Annex B2.

20 F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

21 Should the use of the site as a Birds of Prey Centre cease, the buildings hereby approved. as well as any foundations or concrete pads laid, footpaths and any resulting debris shall be removed from the site and the land reinstated to agricultural land within 6 months.

Reason: To define the terms of this permission which has been granted given the special circumstances of the use and tourism opportunity provided having regard to policy RST1 of the Unitary Development Plan.

INFORMATIVES:

- 1 **Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>**
 - 2 **HN01 - Mud on highway**
 - 3 **HN04 - Private apparatus within highway**
 - 4 **HN05 - Works within the highway**
 - 5 **HN10 - No drainage to discharge to highway**
 - 6 **HN13 - Protection of visibility splays on private land**
 - 7 **HN24 - Drainage other than via highway system**
 - 8 **HN25 - Travel plans**
 - 9 **N19 - Avoidance of doubt**
 - 10 **N15 - Reason(s) for the Grant of Planning Permission**
- 185. DCNW2008/0515/F - LAND TO THE REAR OF MORTIMERS CROSS INN, MORTIMERS CROSS, LEOMINSTER, HEREFORDSHIRE, HR6 9PD.**

The Principal Planning Office reported the following updates:

The report omitted two letters of objection that were received within the consultation period. These were from:

- Mrs Bridget Batchelor, High View Farm, Aymestrey
- Mrs V M Thorpe, Yew Tree House, Lucton

These letters make the following points

- Notes that policy S1 states that developments should respect the needs of local communities and encourage greater self-sufficiency within local communities and should seek more equitable access for all sectors of the community to opportunities for homes
- Notes that policy S8 states that now facilities for tourism will be supported but they should contribute to local economic development, employment and community regeneration and that Tourism development should avoid or minimise intrusion on local communities
- Aymestrey and Mortimers Cross are small settlements. There are about 24 houses in Aymestrey and around 16 in Mortimers Cross (including 8 park homes). There are five holiday chalets in Aymestrey giving a ration of 5:24 or 1:5. It is argued that by creating such a high ratio of holiday lets by approving the development this would intrude on the local community and conflict with the aims of policy S8. The combined numbers of units between the application is too many for the community.
- The chalets would impact on the residential amenities of neighbouring properties with the comings and goings.
- There is no shop, no tourist based business (cycle or canoe hire, craft workshops, guided walks or pony trekking)
- The development does not offer any elements for developing facilities or attraction.
- There is no need for additional tourist accommodation. The character of the area is primarily agricultural – the proposed chalets would be inappropriate
- The access is onto the busy A4110 which is a busy junction used by lorries and the additional traffic movements would add to the complexity of the traffic movements at the crossroads.
- The site would be better used for affordable housing.

The Principal Planning Officer also reported that a further condition would be required to ensure that access to the public right of way near to the pub car park was kept clear.

In accordance with the criteria for public speaking, Mr K Holland spoke on behalf of Aymestrey Parish Council, Mrs B Batchelor spoke in objection to the application, and Mr P Williams, the applicant, spoke in support.

In response to a question from the Local Ward Member, Councillor LO Barnett, the Legal Practice Manager outlined the Inspector's conclusions in respect of a previous appeal for the site, where the application had been for eight holiday chalets. Councillor Barnett felt that, contrary to the applicant's observations, it was unclear whether the site could be described as "Brownfield". She acknowledged that the Appeal Inspector had felt that there were no issues regarding highway safety in the vicinity of the site, and stated that she could not support this view on the grounds that the Parish Council had felt that the road was dangerous and had made several requests for a speed restriction to be imposed. She was of the opinion that the site

access should only be used for emergencies. In addition, she stated that there was no proven need for more holiday homes in the area, and for all of these reasons, she suggested that the application should be refused. In response to a further question from Councillor Barnett, the Principal Planning Officer confirmed that enforcement action had been held in abeyance in respect of mobile homes on the site, pending the outcome of this application. She added that the application could be used as a positive means to regularise the development on the site.

The Development Control Manager reported that there was clear evidence to support the fact that the site had previously been Greenfield. He advised that, in the absence of observations from the Tourism Officer, the impact on tourism would have to be viewed as a neutral consideration.

Councillor RJ Phillips questioned whether the appeal inspector had taken account of the Council's statistics on vehicle movements on the road, particularly in relation to the count of approximately 837 HGV movements daily. He felt that even if the access was restricted to emergencies only, it would still be a significant hazard.

Having considered all the information surrounding the application, members agreed that planning permission be refused because they felt that the application would be detrimental to the surrounding area of open countryside and river meadow. Furthermore, although noting the Appeal Inspector's observations on highway safety, members felt that this should also be taken into account as a reason for refusal, based on the Council's own statistics and on local reports of the area.

RESOLVED:

- That**
- (i) The Northern Area Planning Sub-Committee is minded to refuse the application, subject to the reasons given below, and any reasons for refusal considered necessary by officers, provided that the Head of Planning Services does not refer the application to the Planning Committee:**
 - The application is detrimental to the character and appearance of the area, and to highway safety;**
 - (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 conditions and agreements referred to above.**

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

186. DCNC2008/0155/F - THE FISHERIES, ELM GREEN, BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER HEREFORDSHIRE, HR6 0NT.

The Principal Planning Officer reported the following updates:

A further letter has been received from the agent for the application pointing out the following:

- 1 there is a significant capital investment involved in the development and it is common sense that the applicant would not seek to provide these facilities unless there is a genuine commercial need for them now and for the foreseeable future.

- 2 the failure of the applicant to secure planning permission for the polytunnels does not mean that the need for facilities for the workforce ceases. Indeed, other production methods (such as the use of micro cloches) may increase the need.
- 3 the officer's appraisal fails to recognise that other growing methods are already being used at Wickton and Wellington.
- 4 the officer's appraisal misses the fundamental point that picking is staggered throughout the year and the maximum total of workers required is not achieved simply by multiplying the figures of hectares in use by the number workers per hectare.
- 5 It should therefore be clear that there is a bona fide need for the development and the absence of planning permission for the polytunnels does not diminish that need.
- 6 The applicant considers that the development complies with policy H8 (i.e. residential development in the open countryside for which there is an agricultural need). In any event a time limited permission (e.g. five years or less) could be granted enabling monitoring of the effects and the need.
- 7 In any event it is open to the discretion of the Committee to defer the item for more evidence of need to be provided if the Committee is not satisfied that adequate evidence of need has been provided.

These comments are reinforced by a letter received from the Facilities and Welfare Director of the applicant's company pointing out the need for the workforce and the commitment of the company to provide the best quality facilities. It is his firm view, on behalf of the applicants, that the Arrow Fisheries site remains the best option for this essential accommodation and that further safeguards in respect of the wildlife interests on the site can be secured.

The Principal Planning Officer had provided the following response:

The calculation of the need given in the report is based solely (and accurately) on the information which was submitted at the time. The number of workers per hectare, as submitted by the applicant, gave no allowances for season working or other constraints which would reduce the total number. The applicant's offer to resubmit new and different figures may be helpful and would help to clarify the economic case for development based on current activity at Brierley, Ivington and Wickton. However, the report as published acknowledges that there is a strong argument in favour of development based, *inter-alia*, on the premise that there is a need for a seasonal workforce to sustain soft fruit production on the various sites currently used by the applicant. That, however, is only part of the argument. The adverse impacts on landscape and biodiversity interests must also be taken into account in determining the application, and such consideration must itself be based of what is currently proposed.

On the basis of the application as submitted, officers have concluded that the damage to landscape and biodiversity interests is so great that the need for the accommodation is not sufficient to justify approval. Members may wish to consider this point very carefully - has an acceptable balance of interests been met? A less intensive scheme which included more open space within the fisheries site and was less disruptive to wildlife interests on the site may alter the balance of the argument but is not before the Committee to determine as part of this application. Such a scheme would, of course, also imply some scaling down of the applicant's operations

at and around Brierley, but that is likewise not before the Committee to consider at this meeting.

The new arguments put forward by the applicant do not change the conclusion of the report.

Five additional letters of objection had been received making the following additional points to those previously reported:

1. Do not allow the applicant to ride rough shod over the planning system.
2. Highway safety particularly pedestrians.
3. Impact on services.
4. The site flooded last year.

The Public Rights of Way Manager advises that following a site meeting the previous objection can be withdrawn upon receipt of a plan confirming PROW are outside of the fence boundary.

Conservation Manager- Ecology:

As at 30th April the ecological survey report had not been received. During a recent site visit it was noted that there were numerous sand martins and swallows (both amber conservation status birds species) feeding over the pools. This is obviously an important site for them. A swan's nest was also noted.

There was evidence of otters, a European protected Species. Significant loss of habitat cannot be supported.

The proposals will result in loss or damage to Biodiversity Action Plan habitats.

Concern as to how the pools will be drained and no water or species should enter the adjacent watercourse as it is a tributary of the River Lugg Special Area of Conservation.

Consequently the proposal is contrary to policies NC1, NC5, NC6, NC7 of the UDP.

An Ecological report was received yesterday which confirms the presence of the species, and many others, referred to above. However no mitigation strategy has been received with it.

As a consequence of the comments on the ecological issues reason 3 of the report is replaced by the following.

3. The proposal is considered to have a detrimental impact upon acknowledged important matters relating to the biodiversity of the site contrary to policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan.

In accordance with the criteria for public speaking, Mrs Ferron spoke in objection to the application, and Mr J Naerebout, the applicant's agent, spoke in support.

The Northern Team Leader reported that the following representations had been made since the publication of the Schedule of Committee Updates/Additional; Representations:

- A letter of objection from the Cheesley Farmers' Campaign.
- Withdrawal of objection from a previous objector, based on the Environment

Agency's recent comments in respect of flooding on the site.

The Northern Team Leader drew the Sub-Committee's attention to Paragraph 6.33 of the report, which related to a recent appeal decision at Pennoxstone Court, where the Inspector had concluded that there were clear economic benefits to be derived from the production of soft fruit with the aid of polytunnels. He said that the same principle could be applied to this application site. He added that although this application was for accommodation and not polytunnels, the two were linked, and therefore the economic arguments in favour of the application should be considered.

The Local Ward Member, Councillor RC Hunt, felt that the application, which constituted a major development, would have a significant impact on the surrounding area, especially in terms of its effect on the ecology. Other members concurred with him, noting the many species of important wildlife present on the site, and expressing concern that the current infrastructure would not be able to support the ensuing increase in population at certain times of the year.

Some members commented that there was a clear business case for the application, and stressed the importance of the Council liaising with the applicant to ensure that in the future, a more balanced and acceptable application, possibly spread over several smaller sites, could be submitted. They emphasised the need to consider all aspects of the business comprehensively, including polytunnels and accommodation. The Development Control Manager reported that, in the light of recent Government policy decisions, officers were working with all fruit growers in Herefordshire to help produce acceptable applications for polytunnels. In the case of this particular application, the factors relating to scale, landscaping and biodiversity were deemed to be too significant for officers to recommend approval.

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

- 1 The need for this development is dependent upon the use of the land at Brierley Court Farm for soft fruit production under polytunnels. At the time at which this application has been determined, no planning permission exists for the siting of polytunnels on the land, and those which are currently on the site are subject to enforcement proceedings. In the absence of any lawfully sited polytunnels, the long term use of the land for the production of soft fruit is not assured and therefore the siting of 576 caravans, accommodation pods, service pods and an amenity building cannot be justified. Accordingly the proposal is contrary to Policy H8 of the Herefordshire Unitary Development Plan.**
- 2 The site lies within an area defined by the Council's Landscape Character Assessment as Riverside Meadow. In the absence of an overriding need for the accommodation, the proposal has an unacceptably adverse visual impact which will detract from the character of this landscape particularly by virtue of the introduction of 576 caravans, accommodation pods and service pods and a large amenity building into a landscape characterised by its open nature and absence of built structures. The proposal is thereby contrary to Policy LA2 of the Herefordshire Unitary Development Plan.**
- 3 The proposal is considered to have a detrimental impact upon acknowledged important matters relating to the biodiversity of the site contrary to policies NC1,NC5,NC6 and NC7 of the Herefordshire Unitary Development Plan.**

187. DCNC2008/0603/F - LAND TO THE REAR OF QUAKERFIELD, 34 RADNOR VIEW, LEOMINSTER, HEREFORDSHIRE, HR6 8TF.

The Senior Planning Officer reported that the scale and extent of the fencing in place had constituted a change of use, and Conditions 1 and 2 in the report would need to be amended after the meeting, if planning permission were granted, to ensure that they were enforceable.

Members felt that the application was necessary to avoid setting any precedents, and to maintain the rural aspect of the area. They suggested that the Council's policy on change of use should be made clear in the informatives to the planning permission.

RESOLVED: that planning permission be granted subject to the following conditions (and subject to additional amendments to Conditions 1 and 2 , which were to be decided by the officer after the meeting):

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 Unless otherwise first agreed in writing by the local planning authority, a new hedgerow shall be planted along the edge of the new boundary (i.e. northern and western sides and also outside of any new fencing/walling that may also be erected) of a species first agreed in writing by the local planning authority in the first planting season following the commencement of the residential use of the land. In the event of this new hedgerow being seriously damaged or destroyed then it shall be replaced by a new hedgerow of the same species in the next planting season unless otherwise first agreed in writing by the local planning authority.

Reason: In order to protect the visual amenities and character of the surrounding rural area.

3 Before the use hereby approved commences and unless otherwise first agreed in writing by the local planning authority the existing newly erected fencing on the north and west boundaries of the site shall be repositioned within the application site (i.e. on the inside of the new hedgerow required by condition 2) in accordance with details showing the new position to be first submitted to and be subject to the prior written approval of the local planning authority. Full details of any alternative fencing would also need to be submitted for the written approval of the local planning authority prior to its erection.

Reason: In the interests of protecting the visual amenities and character of the surrounding rural area.

Informatives:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC**2 N03 - Adjoining property rights****3 The applicants should be aware that this planning permission does not**

override any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. If in doubt the applicants are advised to seek legal advice on the matter and contact the owners of adjacent properties where these rights may be affected prior to undertaking any development.

4 N14 - Party Wall Act 1996

5 N19 - Avoidance of doubt - Approved Plans

188. DATE OF NEXT MEETINGS

04 June 2008.

The meeting ended at 4.45 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNW2007/2803/F**

- The appeal was received on 29 April 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 Mansfield
- The site is located at Wardens Cottage, The Wharf Industrial Estate, Eardisley, Herefordshire, HR3 6NS
- The development proposed is Single storey extension and removal of personal occupancy condition pp 86/509
- The appeal is to be heard by Hearing

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2007/3948/F

- The appeal was received on 1 May 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal is brought by Euston Park Developments Limited
- The site is located at Orleton Manor, Orleton, Ludlow, Herefordshire, SY8 4HR
- The development proposed is proposed alterations, repairs and extension to existing Manor House.
- The appeal is to be heard by Inquiry

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNW2007/3949/L

- The appeal was received on 1 May 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal is brought by Euston Park Developments Limited
- The site is located at Orleton Manor, Orleton, Ludlow, Herefordshire, SY8 4HR
- The development proposed is proposed alterations, repairs and extension to existing Manor House.
- The appeal is to be heard by Inquiry

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNW2008/0105/F

- The appeal was received on 1 May 2008
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal is brought by Euston Park Developments Limited
- The site is located at Orleton Manor, Orleton, Ludlow, Herefordshire, SY8 4HR

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

- The development proposed is proposed garages, estate offices, stores and visitor lodge. Greenhouse and spa building.
- The appeal is to be heard by Inquiry

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNC2007/3211/O

- The appeal was received on 9 May 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 N. G. Taylor
- The site is located at Baymores Cottage, Bringsty, Nr Worcester
- The development proposed is Site for the erection of a bungalow
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/3193/O

- The appeal was received on 19 May 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 & Mrs Chandler
- The site is located at 1 Lower Buckfield, Barons Cross Road, Barons Cross, Leominster, Herefordshire, HR6 8RN
- The development proposed is Site for one dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

APPEALS DETERMINED

Application No. DCNC2007/1572/F

- The appeal was received on 8 November 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 Noah's Ark Day Nursery Ltd
- The site is located at 22 Old Road, Bromyard, Herefordshire, HR7 4BQ
- The application, dated 7 May 2007, was refused on 20 July 2007
- The development proposed was Demolition of existing industrial building and redevelopment of site with 2 semi-detached houses, 10no. flats, car garages and parking area.
- The main issues are the effect of the proposed development on the living conditions of occupiers of Milvern House and 24 Old Road with regard to outlook, light and privacy, the effect of the proposal on the character and appearance of the area bearing in mind the appeal site's location partly within the Bromyard Conservation Area and any effects arising from the proposed levels of parking on the appeal site.

Decision: The appeal was DISMISSED on 25th April 2008

Case Officer: Nigel Banning on 01432 383093

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

Application No. DCNE2007/1551/F

- The appeal was received on 1 February 2008
- 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 G Bevan
- The site is located at 43A, Albert Road, Ledbury, Herefordshire, HR8 2DN
- The application, dated 17 May 2007, was refused on 4 July 2008
- The development proposed was Proposed alteration of garage into living space and construction of low-level front car port incorporating part of existing garage.
- The main issue is its scale and mass on the surrounding properties.

Decision: The appeal was UPHeld on 8 May 2008

Case Officer: Carl Brace on 01432 261795

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

DCNW2008/0863/F - PROPOSED ERECTION OF ONE HOUSE. LAND ADJACENT TO STONEWOOD COTTAGE, OXFORD LANE, KINGTON, HEREFORDSHIRE.

For: Mr & Mrs G. & S. Burton, Burton & Co, Lydiatt Place Brimfield, Ludlow, Shropshire SY8 4NP

Date Received: 25 March 2008

Ward: Kington Town Grid Ref: 29832, 56766

Expiry Date: 20 May 2008

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 A brown field site, located within the town's Conservation Area, elevated with far ranging views in a south-easterly direction over the town. The site is adjoined on its western and northern boundaries by a stone wall, making a positive contribution to the surrounding Conservation Area.
- 1.2 To the immediate south and east of the application site are residential curtilages to dwellings of various scale and character.
- 1.3 The application proposes a construction of a two-storey dwelling of external timber clad construction on a stone plinth under a slate roof, with internal accommodation measuring 150 square metres (measured externally).
- 1.4 The internal accommodation is arranged on two floors and consists of open plan kitchen/dining room and sitting room on the first floor and entrance hall, two bedrooms, bathroom and utility on the ground floor.

2. Policies

Herefordshire Unitary Development Plan 2007

S1 – Sustainable development

S2 – Development requirements

DR1 – Design

DR2 – Land use and activity

DR3 – Movement

DR4 – Environment

H13 – Sustainable residential design

H14 – Re-using previously developed land and buildings

LA3 – Setting of settlements

HBA6 – New development within Conservation Areas.

3. Planning History

- 3.1 NW08/0517/F – Erection of one house – Refused 15 April 2008.
- 3.2 NW08/021312 – Proposed erection of one dwelling house – Refused 4 March 2008.
- 3.3 NW04/1041/F – Proposed temporary access through wall for construction purposes – Approved 20 May 2004
- 3.4 NW04/0946/F – Proposed erection of a detached cottage – Approved 13 May 2004.
- 3.5 NW03/1972/F- Proposed erection of a cottage – Approved 12 October 2003

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objections

Internal Council Advice

- 4.2 The Conservation Manager recommends approval subject to conditions requiring the rebuilding of the wall on Oxford Lane.
- 4.3 The Transportation Manager recommends approval, subject to satisfactory cycle parking provision.
- 4.4 The Public Rights of Way Manager raises concerns about the close proximity of the proposed development to the adjoining Public Right of Way (Oxford Lane footpath adjacent to the site boundary).

5. Representations

- 5.1 Kington Town Council raise concerns about disabled and general vehicular access to the development once completed. Also concerns raised about re-instatement of the boundary wall. Requires that assurances are obtained from the applicants before support can be given to this application.
- 5.2 Two letters of objection have been received from:
 - M Franklin, 39 Duke Street, Kington
 - Lewis and Ruth Goldwater, Stonewood Cottage, 5 Oxford Lane, Kington

Objections can be summarised as follows:-

- Concerns about location of proposed dwelling in consideration of adjoining properties privacy and amenity.
- Scale of the proposed development
- Vehicular access to the site
- Impact on historic importance of the surrounding area by service vehicles attending the site.

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

6. Officer's Appraisal

- 6.1 The main issues with regard to the application refer to:
- Impact of the development on the character of the surrounding area
 - Impact on amenity and privacy
 - Vehicular access to the site

Impact of the development on the character of the surrounding area

- 6.2 The site is located within the designated Conservation Area, to the rear of Duke Street. The application site is surrounded on its western and northern boundary by a stone wall, which is of historic interest in relationship to the Conservation Area.
- 6.3 The Conservation Manager has recommended approval to the application, subject to conditions requiring the rebuilding of the wall alongside Oxford Lane.
- 6.4 The Conservation Manager's response, with regard to the adjacent wall, is in consideration of the fact that the plans submitted for planning determination indicate a request for temporary access off Oxford Lane, for construction purposes through an existing steel gate already in situ within the stone wall line.
- 6.5 In consideration of the fact that the gate is already in place, as a result of planning approval NW2004/1041/F dated 20 May 2004 this request is considered reasonable, subject to appropriately worded conditions, with regards construction/repair to the stone wall, to make it good in order to retain its character and preserve the historic character of the surrounding Conservation Area.
- 6.6 The external design of the dwelling is considered acceptable in relationship to the surrounding area, which is of a mixed time period and design. At the rear of the application site, within close proximity to its northern boundary, is the site of the recently approved Maes-y-deri residential development.

Impact on amenity and privacy

- 6.7 The applicant has submitted amended plans that indicate a dwelling with internal floor space of approx 150 square metres (measured externally) located 18.3 metres from the dwelling, located alongside the southern boundary of the application site, known as "Stonewood Cottage". To the rear of the application site is the "Maes-y-deri" residential development site. The nearest dwelling on this development site, will be on its boundary with "Board School Lane" (6 metres away). This runs at the back of the application site alongside its northern elevation, to which it is considered no significant detrimental impact will be created, as a result of either loss of light or privacy on occupants of the yet to be completed dwellings, on the Maes-y-deri site. There are no other dwellings within the immediate vicinity of the application site, to which there will be any detrimental impact on amenity and privacy issues. In consideration of the distance between the proposed development and the dwelling known as Stonewood Cottage, there are insufficient grounds for refusing this application in respect of amenity and privacy issues, in relationship to this property.

Vehicular access to the site

- 6.8 The applicants propose vehicular access to the site via "Bulls Yard", from the south-eastern corner of the application site. No objections to this proposal have been received from the Council's Transportation Manager.
- 6.9 With regard to the temporary access, this is already in place, as a result of planning application ref NW2004/1041/F approved on 20 May 2004, in order to gain temporary access to the site for construction of a dwelling on site, approved subject to either application ref NW04/0946/F dated 13 May 2004 or application ref NW03/1972/F dated 17 December 2003.
- 6.10 Therefore, temporary access to the site along Oxford Lane for construction purposes is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

2. C01 - Samples of external materials

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3. DO4 - Details of window sections, eaves, verges and barge boards

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

4. DO5 - Details of external joinery finishes

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural and historic interest of the building (as one which is in a conservation area), and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan

5. D10 - Specification of guttering and downpipes

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

6. E01 - Site investigation – archaeology

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

7. F14 - Removal of permitted development rights

Reason - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

8. F01 - Restriction on hours of working

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

9. L01 - Foul/surface water drainage

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

10. L02 - 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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

11. L03 - No drainage run-off to public system

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

12. H08 - Access closure

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

13. H12 - Parking and turning - single house

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

14. H29 - Secure covered cycle parking provision

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

conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 15. Prior to first occupation of the dwelling hereby approved, full details will be submitted to the Local Planning Authority for approval in writing on the method and type of construction materials to be used for reinstatement of the boundary wall to the application site.

Reason: In the interests of preserving the character of the surrounding Conservation Area and to comply with Policy HBA8 of the Herefordshire Unitary Development Plan.

- 16. B06 - Implementation of one permission only

Reason: In order that the Local Planning authority can control the type of development on site in consideration of Policy HBA6 of the Herefordshire Unitary Development Plan.

Informatives

- 1 - HN03 - Access via public right of way
- 2 - HN04 - Private apparatus within highway
- 3 - HN10 - No drainage to discharge to highway
- 4 - N19 - Avoidance of doubt - Approved Plans
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

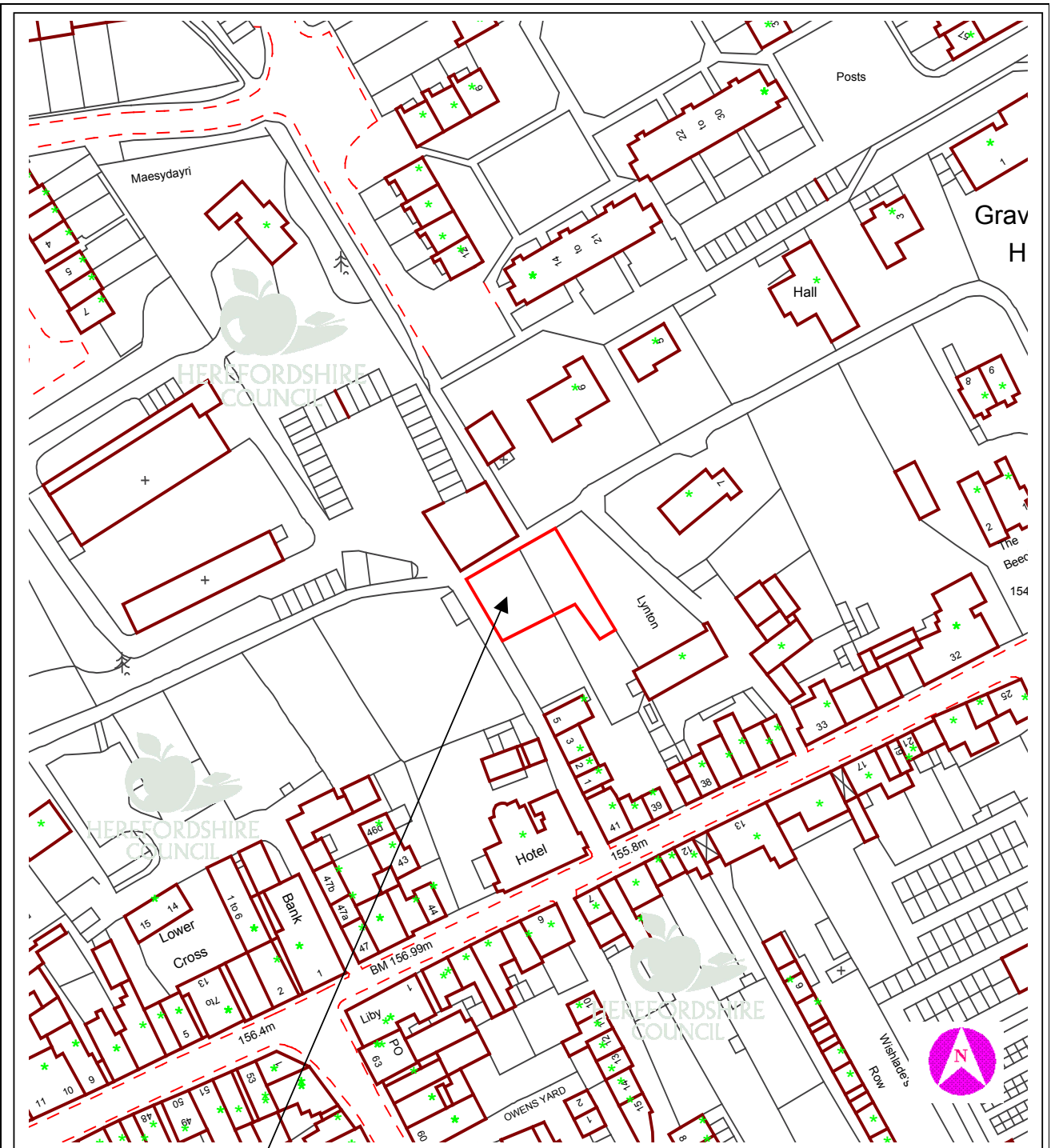
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/0863/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Stonewood Cottage, Oxford Lane, Kington, Herefordshire.

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7 DCNW2008/0942/RM - PROPOSED RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS, GARAGES, ASSOCIATED ROADS, SEWERS AND WORKS. LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE

For: JS Bloor (Tewkesbury) Limited, Cadsquare Midlands Ltd, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT

Date Received: 31 March 2008 Ward: Kington Town Grid Ref: 30100, 56188

Expiry Date: 30 June 2008

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The site is located on the south-eastern edge of Kington and covers an area of approximately 3.66 hectares.
- 1.2 The eastern boundary of the site is Old Eardisley Road, the unclassified road number U91226. On the opposite side of this highway are dwellings of various sizes and character, mostly of fairly recent construction. The southern and western boundaries are adjacent to mostly farmland. To the north is a garage/petrol filling station, as well as further residential development.
- 1.3 The application is for 'Reserved Matters' access, appearance, landscaping, layout and scale follows Outline planning permission application reference NW2006/3986/O dated 17th September 2007. A section 106 agreement under the Town and Country Planning Act 1990 in relationship to 'planning gain' also formed part of this approval.
- 1.4 The 'Reserved Matters' like the Outline application proposed 46 dwellings, garages, associated roads, sewers and works though in a revised site layout from the indication submitted with the Outline application.
- 1.5 The proposed 46 dwellings are for a variety of house types and offer the following forms of accommodation:
 - Three number two bedroom two-storey houses
 - Seven number three bedroom two-storey houses
 - Thirteen number four bedroom two-storey houses
 - Seven number five bedroom two and half-storey houses.

The application also proposed 'affordable housing' in line with Herefordshire Council's Strategic Housing request. This equates to 35% of the total amount of proposed dwellings on site in the following breakdown of units:

- Four number one bedroom apartments
- Six number two bedroom houses

- Five number three bedroom houses
- One number four bedroom house

2. Policies

2.1 National Planning Policies

- Planning Policy Statement 3 – Housing
- Planning Policy Statement 1 – Sustainable development

2.2 Herefordshire Unitary Development Plan

Policy S1	Sustainable development
Policy S2	Development requirements
Policy S3	Housing
Policy DR1	Design
Policy DR2	Land use and activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning obligations
Policy H1	Hereford and the market towns: Settlement boundaries
Policy H2	Hereford and the market towns: Housing land allocations (this policy specifically allocates the site for housing development)
Policy H3	Managing the release of housing land
Policy H9	Affordable housing
Policy H15	Density
Policy H16	Car parking
Policy H19	Open space requirements
Policy LA6	Landscaping schemes
Policy LA3	Setting of settlements
Policy RST3	Standards for outdoor playing and public open space
Policy CF2	Foul drainage
Policy ARCH1	Archaeological assessments and field evaluations

3. Planning History

- 3.1 DCNW2006/3986/O Site for residential development of 46 houses - Approved 17.09.07

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - no objections raised

Internal Council Advice

- 4.2 The Strategic Housing Manager supports the application.
- 4.3 The Parks Development Manager has no objections to the proposal.
- 4.4 The Forward Planning Manager raises no objections.

- 4.5 The Council's Planning Ecologist raises no objections.
- 4.6 The Transportation Manager raises no objections.
- 4.7 The Landscape Manager also raises no objections.

5. Representations

- 5.1 Kington Town Council has responded to the application with concerns about drainage from the application site, to which they would like assurances that surface water drainage issues will be addressed. Concerns also raised with regards to road way and parking issues, also concerns raised about the ownership of the proposed open space area.
- 5.2 Letters of comment/objection have been received from the following:
 - Mrs G Simcock, 20 Rose Cottage, Headbrock, Kington
 - Mr & Mrs David Benbow, Rhosmaen, 5 Old Eardisley Road, Kington
 - Mr & Mrs Donald Skyrme, 5 Banley Drive, Kington

Objections/comments can be summarised as follows:

- Concerns about loss of hedgerow
 - Potential increase in flooding to surrounding area
 - Impact on surrounding public highway infrastructure
 - Impact on local infrastructure
 - Location of proposed play area
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The key issues with regards to this application are:
 - The principle of the development
 - Impact on local infrastructure
 - Impact on local biodiversity
 - Potential impact on flooding and drainage.
 - Impact on surrounding public highways
- 6.2 The principle of residential development on the site is accepted by virtue of the fact that the site has the benefit of Outline planning approval for the erection of 46 dwellings granted planning approval on 17 September 2007. Furthermore, the site is allocated for housing development in accordance with Policy H2 of the Unitary Development Plan (UDP) and supporting paragraph 5.4.31.
- 6.3 The proposal is for 46 dwelling units, of which 35% are allocated for affordable housing, in accordance with UDP Policy H9: Affordable housing. The Council's Strategic Housing Manager raises no objections.

- 6.4 The proposed scale, layout and appearance of the development is considered acceptable. The Council's Transportation Manager raises no objections to the proposed access and internal road layout and car parking facilities.
- 6.5 A Section 106 agreement under the Town and Country Planning Act 1990 signed in relationship to the Outline application dated 14 September 2007 will be relevant to this application, referring as it does in section 1-1 of the Deed, to "respective successors in title and assigns".

Impact on Local Infrastructure

- 6.6 The application is for the same number of dwelling units, as that of the approved Outline application, dated 17 September 2007, the approval notice is accompanied by a Section 106 agreement on planning gain with regards to affordable housing provision, financial contributions towards open space and play facilities, local sports provision, local transport improvements and local education establishments. Therefore, the application fulfils the requirements with regards planning obligations. Drainage issues are considered separately below.

Impact on Local Biodiversity.

- 6.7 Conditions attached to the Outline approval notice include conditions on landscaping, these will be relevant to the application under consideration should it be approved. Furthermore, the Council's Planning Ecologist raises no objections to the proposed development.

Potential Impact on Flooding and drainage.

- 6.8 Welsh Water and the Environment Agency raised no objections to the previously approved outline application. Conditions are attached to the Outline approval with regards to drainage of the site, this includes surface water and land drainage and these are applicable to this application. Welsh Water (Dwr Cymru), in accordance with the relevant outline condition, will be consulted with regards to the acceptability of any proposed drainage system prior to any development on site, as will the Council's land drainage engineer.

Impact on Surrounding Public Highways

- 6.9 This issue was considered at the outline stage and does not fall to be reconsidered.

RECOMMENDATION

That Reserved Matters be granted subject to the following conditions:

1 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

2 D04 (Details of window sections, eaves, verges and barge boards)

Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.

3 D05 (Details of external joinery finishes)

Reason: To ensure the development integrates into the surrounding countryside and to comply with the requirements of Policies DR1 and LA3 of the Herefordshire Unitary Development Plan.

4 F01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

5 No timber constructed fencing will be constructed alongside the site boundary with Old Eardisley Road without the prior permission of the Local Planning Authority in writing.

Reason: In order to retain the character of the area and to enable the hedgerow alongside the boundary to become established and to comply with Policies DR1, LA2 and LA3 of the Herefordshire Unitary Development Plan.

6 No windows in perpetuity (other than those as expressed by this permission) will be installed into the elevations of plot numbers 12, 6, 7, 8-11, 1, 46 and 42 facing Old Eardisley Road as indicated on the Planning Layout Drawing Number 07-104/02A.

Reason: In order to protect the privacy and amenity of adjoining dwellings and comply with Policy DR2 of the Herefordshire Unitary Development Plan.

7 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

Informatives**1 N15 - Reason(s) for the Grant of Planning Permission****2 N19 - Avoidance of doubt - Approved Plans****3 N11A – Wildlife and Countryside Act 1981 (as amended) - Birds****4 N11C – General**

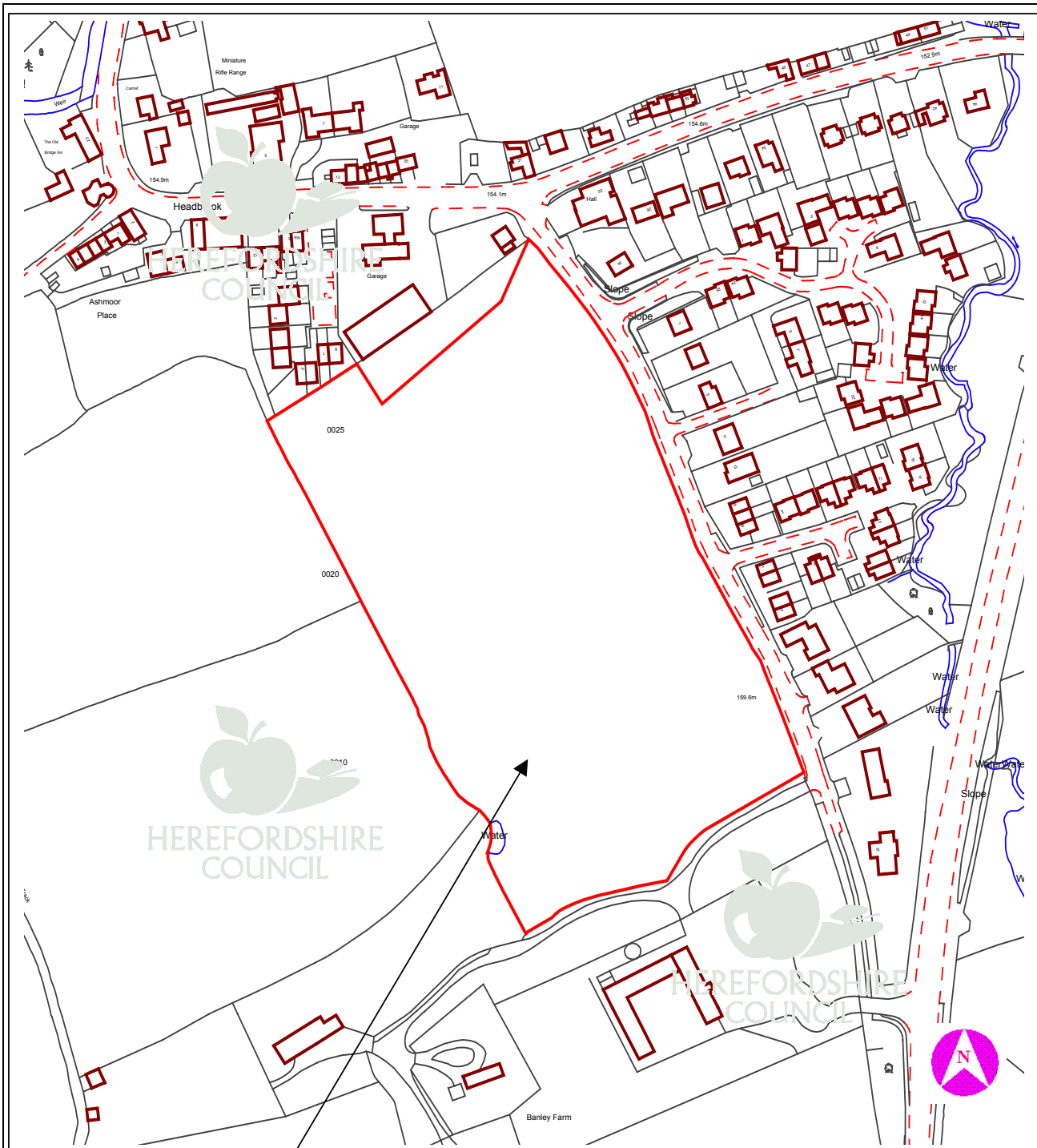
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/0942/RM

SCALE : 1 : 2500

SITE ADDRESS : Land West of Old Eardisley Road, Kington, Herefordshire

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8A DCNC2008/0762/F - SINGLE STOREY EXTENSION TO PROVIDE ADDITIONAL BEDROOM ACCOMMODATION.

8B DCNC2008/0763/L - SINGLE STOREY EXTENSION TO PROVIDE ADDITIONAL BEDROOM ACCOMMODATION.

THE FORBURY RESIDENTIAL HOME, CHURCH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8NQ

For: Mr C. Lutton per Mr N La Barre, Easters Court, Leominster Herefordshire HR6 0DE

Date Received: 14 March 2008 Ward: Leominster South Grid Ref: 49717, 59207

Expiry Date: 9 May 2008

Local Member: Councillor RC Hunt and Councillor RBA Burke

1. Site Description and Proposal

- 1.1 The application site is known as The Forbury and is a Grade II Listed Building located on Church Street in the town centre of Leominster, and is within the Leominster Conservation Area.
- 1.2 The property comprises a red brick Georgian town house, which was converted to a residential home some 25 years ago and has benefited from further extensions and alterations.
- 1.3 The proposal seeks planning permission to construct a single storey extension forming an additional 6 bedrooms for residents of the home. The application is a second amendment to an extension previously approved under planning permission DCNC2007/0861/F and Planning Permission DCNC2007/2859/F and seeks a slight increase in size in order to meet minimum standards for bedroom sizes. The extension now measures 12.8 metres across the front of the building and 12.2 metres across the back, with a width of 8.5 metres and a height of 4.6 metres. An external doorway at the front of the building will make the overall frontage extend 14.6 metres. The overall floor area of the extension will be approximately 108 square metres. The external appearance and design of the extension remains unchanged from that previously approved and will use bricks and a slate roof.
- 1.4 A Listed Building Consent application has also been submitted with this application.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S11	Facilities and services
Policy E6	Expansion of existing businesses
Policy H18	Alterations and extensions

Policy HBA1	Alterations and extensions to listed buildings
Policy HBA4	Setting of listed buildings
Policy HBA6	New development within Conservation Areas
Policy CF7	Residential nursing homes

3. Planning History

3.1	DCNC2007/2859/F	Proposed single storey extension to provide additional bedroom accommodation.	-	Approved
	DCNC2007/2860/L	Proposed single storey extension to provide additional bedroom accommodation.	-	Approved
	DCNC2007/0861/F	Proposed single storey extension to provide additional bedroom accommodation	-	Approved
	DCNC2004/0571/L	First floor bedroom extension, single storey ground floor extension	-	Approved
	DCNC2004/0569/L	First floor bedroom extension, single storey ground floor extension:	-	Approved
	DCNC2002/1602/L	Relocate laundry, increase size of proposed extension	-	Approved
	DCNC2002/1601/F	Relocate laundry, increase size of proposed extension	-	Approved
	DCNC2001/2117/F	Extension to form ground floor laundry room	-	Approved
	DCNC2001/2118/L	Extension to form ground floor laundry room, formation of en-suite bedroom, external alterations	-	Approved

4. Consultation Summary

Statutory Consultations

4.1 English Heritage: No objection, recommended conditions

Internal Council Advice

4.2 Transportation: No objection

4.3 Conservation: No objection

4.4 Archaeological Advisor: No objection

4.5 Public Rights of Way: No objection

5. Representations

5.1 Welsh Water: No objection, subject to conditions

5.2 Town Council: Objection, on the basis that it would:

- Result in further erosion of amenity space

- No further development should be permitted to protect residents and Conservation Area

Leominster Civic Society: Objection on the basis that:

- Setting of building has been damaged by additions
- Reduce landscaped area, result being disproportionately small area
- No justification of need
- Drawings inadequate to show details and design in respect of the listed building

Dr Sheila Crosland of Priory Croft objects on the basis that:

- Adversely affect residential amenity of neighbours
- Extension is excessive in light of other additions

Commander Patrick Titley of Priory end objects on the basis that:

- It would be ruinous to Conservation Area
- It would have a disastrous impact on his own garden area and residential amenity

Mr Adrian Chambers, New Penywrlodd, Clyro objects on the basis that:

- It would have an acute, adverse impact on adjacent properties, ruining their pleasant aspect
- A 4.6 metre gable end would be directly faced by neighbour at Priory End and would reduce light
- Work would be intrusive
- The Conservation Area would be degraded
- Garden area much reduced
- Plans inaccurate – extension would be closer to boundary than shown

Mr and Mrs Sampson, 18 Church Street object on the basis that:

- The ongoing works taking place at The Forbury have affected the enjoyment of neighbours for long periods of time, which would further exacerbate these problems.
- Traffic problems on Church Street would be exacerbated
- Conditions should be imposed to ensure construction time and disturbance is reduced.

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

6. Officer's Appraisal

6.1 The key considerations in the determination of this application are:

- Impact on Listed Building and Conservation Area
- Impact on amenity of neighbouring residents

Scale & Impact on Listed Building/Conservation Area

- 6.2 Although this proposal represents an increase to that previously proposed, I consider that the difference is only very slight at approximately 6 square metres of floor area, and whilst The Forbury has benefited from a number of additions, this proposal would still be subservient to the original building.
- 6.3 Given the location of the extension to the rear of The Forbury and the high boundary walls surrounding the entire property, the extension will not be largely visible from the main pedestrian or highway routes passing the property. As such, I do not consider that the proposal could have any significant impact upon the character and appearance of the Conservation Area.
- 6.4 There has been no objection raised in principle to this development by the Council's Conservation Architect. Conditions relating to construction details, materials and landscaping have been recommended to ensure that the resultant building will be in keeping with The Listed Building and its locality within the Conservation Area.

Amenity

- 6.5 This proposal seeks a relatively minor modification to an extension previously approved (At Sub-committee on 24th April 2007. The approved extension measured 12 metres in length and approximately 7.4 metres in width. The proposed extension retains a similar appearance and design to that approved however, in order to meet minimum bedroom size standards, the increased length to 12.8 metres at the front, and 12.2 metres across the rear, with a width of 8.5 metres is now required. The overall increase therefore is approximately 6 square metres, with an additional 0.3 metres additional ridge height from 4.3 metres to 4.6 metres.
- 6.6 Aside from the changes to the approved dimensions the extension will also be closer to the boundary fence between The Forbury and Priory End. At the rear of the extension the gap between the end gable and the neighbouring fence will be reduced to 1 metre (This was previously located 1.2 metres from fence). At the front of the extension the gap between the end of the gable will be reduced from 2.65 metres to 1.85 metres. As before however, an external doorway set within the front wall will extend out from the gable and this will be built within 0.05 metres from the fence, whereas this was previously 0.65 metres from the fence. This external doorway however, will not be built to the same height as the remaining extension and is only 2.9 metres in height.
- 6.7 In utilising the available width of garden at The Forbury part of the extension will meet the neighbouring garden of Priory End. Priory End has only a relatively narrow rear garden (5 metres), and whilst there is an existing high rear fence, there is little screening in terms of trees or hedgerow, which results in the neighbour directly overlooking this area of garden at The Forbury. It is acknowledged therefore, that the extension will have an impact upon this existing view, however I do not consider that the impact upon this view is sufficient to justify a refusal, particularly given that this is within a town centre location.
- 6.8 Whilst the top section of this gable wall will face this boundary, this is a solid wall, with no windows or potential for overlooking that could affect the privacy of this neighbour. Given the proposed use of the extension for bedrooms and the associated low levels of activity by residents and staff that would result, this proposal presents little risk of noise or other disturbance.

- 6.9 Although the concerns raised by those that have objected to this application are respectfully acknowledged, a balance should be struck between these objections and the benefit of supporting the growth of this residential home, which is a community facility that helps to maintain the provision of residential care in this area.
- 6.10 Overall, the proposal is considered to accord with the relevant development plan policies and as such, a conditional planning permission is recommended.

RECOMMENDATION

In respect of DCNC2008/0762/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 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

4 E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

5 F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

6 F15 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

7 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

8 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

9 H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

10 H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12 Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of the Herefordshire Unitary Development Plan 2007.

13 No plant or machinery used in the construction of the extension hereby permitted shall be operated on the premises before 08.00am on week days and 09.00am on Saturdays nor after 18.00pm on week days and 16.00pm on Saturdays, nor at any time on Sundays, Bank or public holidays.

Reason: To safeguard the amenity of the area so as to comply with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

Informatives

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

2 - N19 - Avoidance of doubt - Approved Plans

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

In respect of DCNC2008/0763/L:

That Listed Building Consent be granted subject to the following conditions:

- 1 - D01 (Time limit for commencement (Listed Building Consent))

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

- 2 - C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3 - D05 (Details of external joinery finishes)

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

- 4 - E01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

Informatives

- 1 - N19 - Avoidance of doubt - Approved Plans

- 2 - N15 - Reason(s) for the Grant of Listed Building Consent

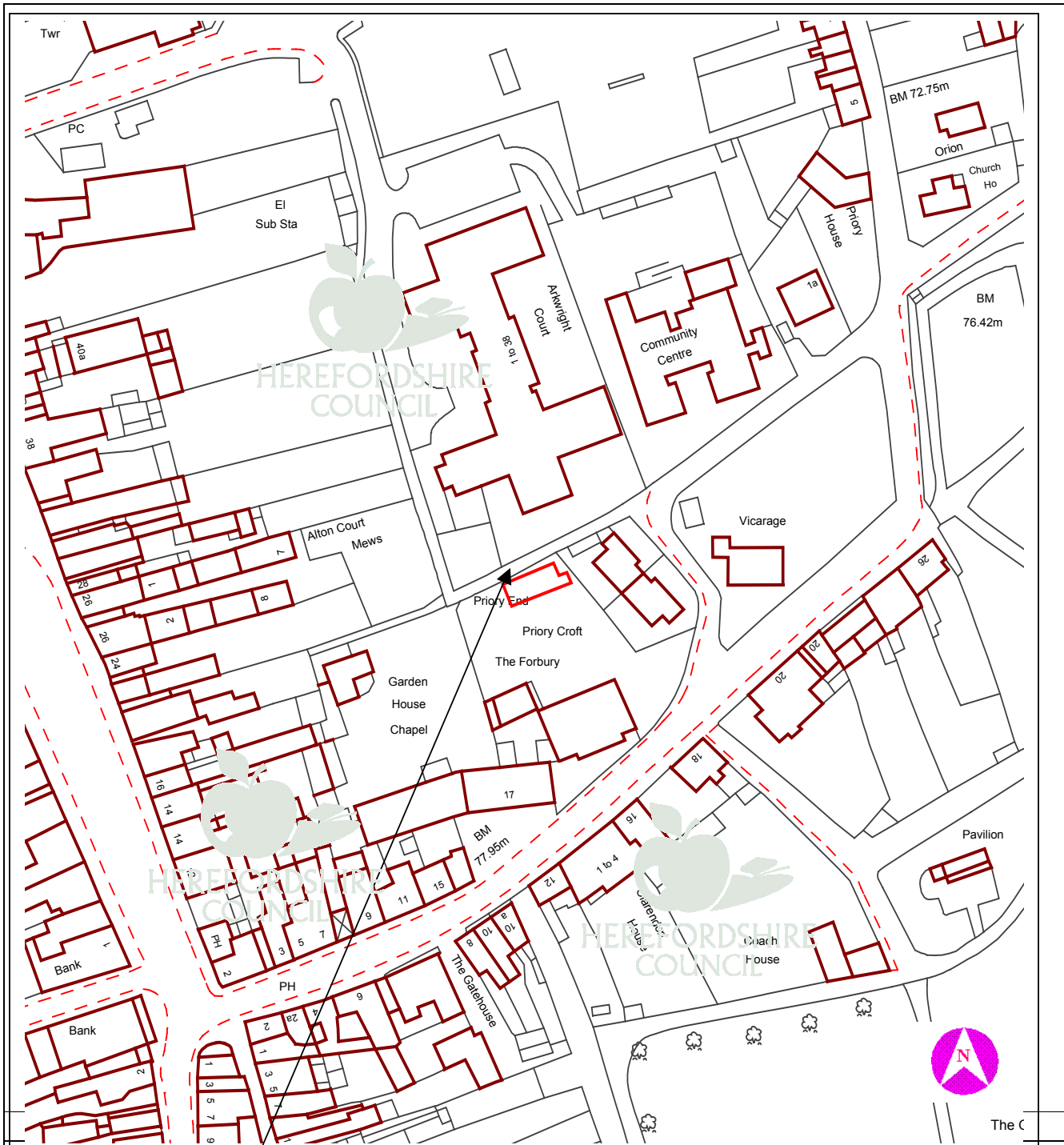
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NOS: DCNC2008/0762/F and DCNC2008/0763/L

SCALE : 1 : 1250

SITE ADDRESS : The Forbury Residential Home, Church Street, Leominster, Herefordshire, HR6 8NQ

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9 DCNW2008/0293/F - CONVERSION OF AND ALTERATIONS TO PERIOD STABLES TO CREATE THREE RESIDENTIAL DWELLINGS AT RHIWLAS FARM, TITLEY COURT ESTATE, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL.

**For: The James Forbes Trust per Mr J Spreckley
Brinsop House, Brinsop, Hereford, HR4 7AS.**

Date Received: 1 February 2008

**Ward: Pembridge &
Lyonshall with Titley**

Grid Ref: 32959, 59695

Expiry Date: 28 March 2008

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a complex of two barns and dwellings sited in a roadside location to the west of the B4355 within the hamlet of Titley. The group comprises one restored barn, used for agricultural storage purposes, a former farmhouse that has previously been converted into 3 units and a third barn, which is the subject of this application. This barn is constructed of stone a stone, the rear wall of which forms the boundary with Half Barrel Cottage. The barn is not listed nor does it lie within the Conservation Area.
- 1.2 The proposal is for the conversion of this barn into three, two bed units within the two storey section, and three parking spaces within the single storey section to the south. The proposal also includes some revisions to the existing access that is sited on close to the junction with Eywood Lane and the B4355.
- 1.3 The application has been accompanied by a marketing report, structural survey and ecology report (bat survey and mitigation report).

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S1	Sustainable development
Policy S2	Development requirements
Policy S7	Natural and historic heritage
Policy DR1	Design
Policy DR2	Land use and activity
Policy DR3	Movement
Policy DR4	Environment
Policy HBA4	Setting of listed building
Policy HBA12	Re-use of rural buildings
Policy HBA13	Re-use of rural buildings for residential purposes
Policy NC1	Biodiversity and development
Policy NC5	European and nationally protected species

Policy NC8 Habitat creation, restoration and enhancement

Supplementary Planning Guidance – The Re-use and Adaptation of Rural Buildings (2004)

3. Planning History

3.1 NW2007/0886/F - Conversion of existing outbuildings/stables into three dwellings and car parking - refused 17 May 2007 for the following reasons:

1. *The design and detailing of the proposal fails to respect the features that contribute to its historical and architectural interest as a rural building. As such the proposal fails to comply with policy HBA13 of the UDP (2007) and the guidance contained within the Councils Supplementary Planning Guidance - The adaptation and re-use of rural buildings.*
2. *The application fails to provide a Marketing Report to demonstrate that every reasonable attempt has been made to secure an alternative use contrary to Policy HBA13 of the UDP (2007) and guidance contained within the Adopted Supplementary Planning Guidance - The adaptation and re-use of rural buildings.*
3. *The application fails to provide a structural survey demonstrating the building is of permanent and substantial construction capable of conversion without major or complete reconstruction. As such is contrary to policy HBA12 of the UDP (2007) and guidance contained within the Adopted Supplementary Planning Guidance - The adaptation and re-use of rural buildings.*
4. *The access to the site has substandard visibility and awkward relationship with the adjacent land and highway. As such the potential intensified use of the access would be to the detriment of highway safety and as such fails to comply with policy DR3 of the Unitary Development Plan (2007).*
5. *The proposed development would cause the loss of privacy and amenity to the occupiers of the adjoining dwelling. As such the proposal fails to comply with policy DR1 of the Unitary Development Plan (2007).*

NW2000/0325/F - Division of house into two dwellings - 31st March 2000 (amendment agreed to change this to three dwelling 24th May 2000).

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water recommend conditions relation to the separation of foul and surface water drainage and its discharge to the public sewerage system.

Internal Council Advice

4.2 The Transportation Manager recommends the following conditions: H13 and informatives. He also notes that the agent has had pre-application discussions with the Area Engineer regarding the alterations to the access.

4.3 The Conservation Manager (Ecology) makes the following comments:

I visited the site last week and have received the ecological report by Ecology Services (August 2006). I note the presence of individual pipistrelle and brown long-eared bats as well as evidence of nesting birds and a barn owl (not nesting).

My recommendation is for approval of this application, subject to the inclusion of condition 17 of this recommendation.

4.4 The Conservation Manager (Historic Buildings Conservation Officer) has made the following comments:

The building is characterised by strong design elements, notably the stone plinth and the large openings above. The type is relatively uncommon and of definite interest.

Comments:

“I cannot recommend this scheme. There is insufficient detail of prominent and fundamental elements, for example of the proposed glazed screen. In addition the scheme makes too little of the roof trusses and provides no impressive interior volume. I remain of the view, as previously advised, that the accommodation should be inverted.

The treatment of rear openings is ambiguous. As noted above, large panes of plain glazing would not be appropriate.

Recommendation:

“I recommend that amendments be made in accordance with my earlier advice. Just to clarify my advice:

- My comments in relation to the rear windows refer to the size of the proposed panes of glass, not the size of the openings. Some hefty joinery, in effect forming smaller lancets, would help to reduce the scale of the openings.
- The justification for conversion is the interest of the building. The intense subdivision of the upper storey is counter to the interest of the designed open loft and its roof trusses.
- The glazed screen is a crucial detail. In agreeing to the conversion we need to be convinced that this will work and have a satisfactory appearance.”

Following this advice, joinery details were received from the agent.

5. Representations

5.1 Titley Parish Council make the following comments:

The PC are minded to recommend approval. Consultation within the community has been lengthy and widespread. The only objector has been asked to write directly to the Planning Committee.

One letter of objection has been received from Jonanna Whitlock, Half Barrel Cottage, Titley. This letter can be summarised as follows:

- a. Overdevelopment of the site:
 - Much has been developed in the last few years at this end of the village including 8 units at Balance farm.
- b. Site Access:
 - Although some changes proposed safety will still be compromised visibility is obscured by the hedge at Balance Farm.
 - You need to be quite far out into Eywood lane before you can see to the left
 - Are three car parking spaces adequate?
- c. Marketing report:
 - Find it hard to see that every reasonable effort has been made to secure alternative uses for these stables.
 - They are not redundant and are currently used for storage.
 - If they were repaired and converted to workshops then there would have been interest and employment generation.
- d. South West Elevation:
 - All the windows in this elevation look directly over my garden and into the bathroom and two bedrooms of my home and the proposed new sun room
 - Although the windows are to be obscure galzed and fixed shut, the feeling of being contuniually overlooked will still be there. They will be modern and out of place.
 - There is no need for the windows on the SW elevation as there is sufficient light, ventilation and means of escape provided by other windows at ground level, especially at the expense of my privacy and peacefulness.
- e. Soakaways:
 - Stormwater cannot be discharged onto the land.
- f. Noise:
 - The kitchens and bathrooms are at the South West side - where will extraction units etc go?

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

6. Officer's Appraisal

6.1 The main issues for consideration in the appraisal of this application are:

- The principle of development
- Design
- Highway Safety
- Neighbour amenity
- Ecology

- 6.2 The application submission includes a comprehensive marketing report provided by Balfours. It advises that the buildings have been marketed since May 2005 and more extensively recently being regularly advertised in the local press including the Hereford Times. Very little interest was shown in the use of the buildings for a commercial purpose. In the light of this it is considered that the applicant has fulfilled the administrative requirements of Supplementary Planning Guidance on the residential conversion of buildings.
- 6.3 The structural condition of the building has been submitted in the form of a structural survey. This is a detailed report which is summarised as follows:
- 'The barn is suitable for conversion with a small amount of timber replacement to the front elevation, and one pier needing rebuilding.'
- 6.4 As such it is considered that the conversion scheme can be undertaken without major intervention or rebuilding, therefore satisfying the criteria of the local plan policies and Supplementary Planning Guidance.
- 6.5 The building, as described above, is in a good state repair and is well maintained. The proposed conversion, although requiring the alterations of some of the openings does present a scheme which respects the character and appearance of each of the barns. The use of glazing at first floor, set back to express the distinct character of the barn is also welcomed. The Council's Conservation Officer has expressed a desire for the barn to be inverted to make better use of the height of the building but it is your officers opinion that as the building is not listed or in a Conservation Area, then refusing the application on these grounds would be unreasonable and difficult to defend. This scheme is an improvement on that previously refused and has embraced the simplicity and linear forms of the buildings, utilising existing openings and materials. On the basis if the above the application is considered to comply with policies S1, DR1 and HBA13 of the Herefordshire Unitary Development Plan (2007).
- 6.6 It is recognised locally that the B4355, although within a 40mph zone, is a fast road. The access from this site is awkward. To address the concerns raised by the previous refusal, the applicant entered into discussion with the Highway Officer and agreed a scheme by which a cobbled area would be laid to the east of the entrance to ensure that vehicles turning into Eywood Lane, across the site access, would take a wider turn at a slower pace. This has addressed the concerns relating to this application and subject a appropriate conditions ensuring that this work is undertaken prior to occupation of the dwellings, this matter has now been satisfactorily addressed and complies with policy DR3 of the Herefordshire Unitary Development Plan (2007).
- 6.7 Another area of concern is the re-opening of windows (or openings) in the South West Elevation. At present there are 6 boarded up openings at ground floor level these face directly onto the garden and dwelling known as Half Barrel Cottage. The proposal is to reopen these existing openings although these would be fixed shut and obscure glazed. Having taken advice it is understood that fire restrictions under part B of the Building Regulations restrict the amount of glazing that can be used on a wall that forms a boundary and as such it is unlikely that the amount of glazing will need to be reduced to comply. A condition requiring details of the treatments of each opening is suggested. These agreed treatments, be it blocked up or obscure glazed and fixed shut, should be retained in perpetuity. ON the basis that the openings would be obscured and fixed shut in one manner or another it is not

considered that it would be possible to sustain an objection on these grounds and the proposal is considered to comply with policy DR1 of the Herefordshire Unitary Development Plan (2007).

- 6.8 An ecology report has been submitted that identified the presence of bats and nesting birds and a barn owl. The report makes recommendations which can be controlled by the imposition of the appropriate conditions outlined in section 4 above.
- 6.9 Having regard to the above, the proposed conversion of this barn into three units has met the tests of the relevant policies and is considered to comply with the policies of the Herefordshire Unitary Development Plan (2007). As such the application is recommended for approval subject to the relevant conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **B01 (Development in accordance with the approved plans)**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. **C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

4. **D04 (Details of window sections, eaves, verges and barge boards)**

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

5. **D05 (Details of external joinery finishes)**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

6. **D11 (Repairs to match existing)**

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

7. D12 (Repairs in situ)

Reason: To ensure that the integrity of the building as one which is listed, in a conservation area, or of local interest is preserved to ensure compliance with Policy [HBA1][HBA3][HBA12][HBA13] of Herefordshire Unitary Development Plan.

8. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

10. H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

11. F14 (Removal of permitted development rights)

Reason: For barn conversions - To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

12. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

13. L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

14. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

15. L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16. Prior to the commencement of development details of the openings to the South West Elevation shall be submitted to and approved in writing by the local planning authority. These details shall include obscure glazing and non-openable windows, works shall be carried out in accordance with the approved plans and shall be retained in accordance with the agreed scheme and shall be retained in perpetuity.

Reason: In order to protect the residential amenity of adjacent properties and to comply with policy DR1 of the Herefordshire Unitary Development Plan (2007).

17. The proposals set out in part 6. Mitigation Strategy section of the ecologist's report should be followed in relation to bats. The need for an EPS license should be assessed prior to development works.

Details of construction, siting and erection of nest boxes for nesting birds and barn owls should be discussed with the consultant ecologist and planned as per the recommendations to provide nearby alternative nest sites. A work programme should be devised for the site to ensure that the birds are not disturbed during nesting from March to September.

Timing of the development and the post-development site safeguards should be adhered to. A monitoring programme for bats and birds should be submitted to Herefordshire Council for implementation after completion of the development works.

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

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 within the UDP.

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

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

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 & NC9, and PPS9.

INFORMATIVES:

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

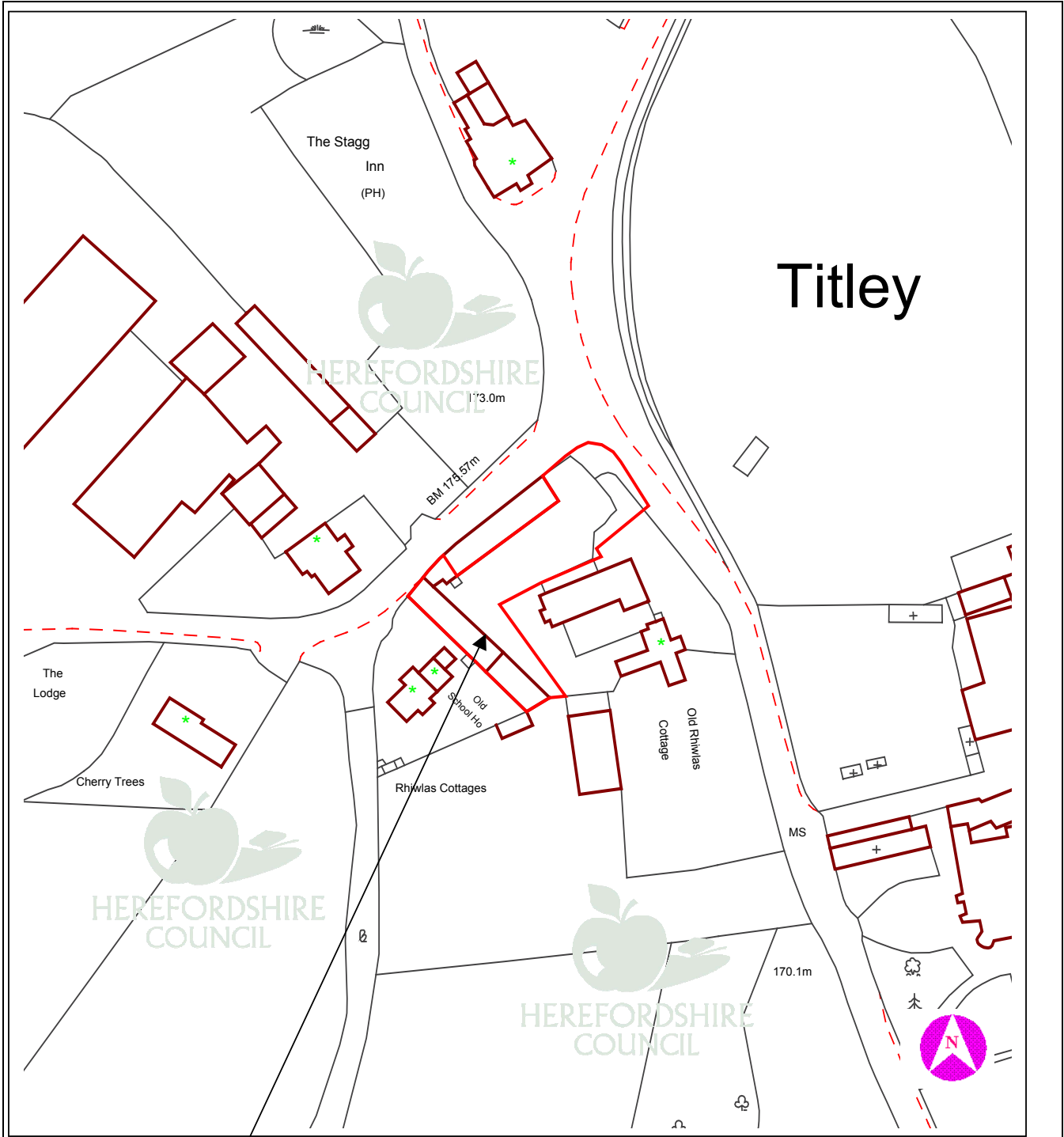
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/0293/F

SCALE : 1 : 1250

SITE ADDRESS : Rhwlas Farm, Titley Court Estate, Titley, Kington, Herefordshire, HR5 3RL

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10 DCNC2008/0440/O - SITE FOR DEVELOPMENT TO FORM TWENTY ONE APARTMENTS, ACCESS ROAD AND PARKING. PINSLEY WORKS AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX.

For: Signature Homes & Construction Ltd. per Mr J Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH.

Date Received: 11 February 2008 Ward: Leominster South Grid Ref: 50077, 59099
Expiry Date: 12 May 2008

Local Members: Councillor RC Hunt and Councillor RBA Burke

1. Site Description and Proposal

- 1.1 The site is a long narrow plot that is located between the rear gardens of dwellings fronting onto Pinsley Road and the railway line, and to the north of Pinsley Mill which has recently been granted planning permission for conversion and extension to residential accommodation.
- 1.2 The site was previously used for commercial purposes and was occupied by a prefabricated industrial building. This has since been demolished and the site is now vacant.
- 1.3 The site is located within Leominster's residential area and also the Leominster River Meadows Conservation Area. Public footpath ZC137 runs along the site boundary, parallel with the railway line at a lower level to both the ground level of the remainder of the site and the railway line itself. Immediately to the north is an area of open space with The Priory Church beyond.
- 1.4 Access is gained via a track running past the mill and onto Pinsley Road.
- 1.5 The proposal is made in outline, although the only matter reserved for future consideration is landscaping, and is for the erection of buildings to create a residential development of 21 flats.
- 1.6 The submitted plans indicate a range of buildings that run parallel with the western boundary shared with the dwellings on Pinsley Road, being a combination of 2 and 3 storeys. The building returns at the northern end of the site to enclose the space. The existing access to the south is maintained and shared parking areas lie to the front of the buildings, between them and the railway line. A 2 metre high acoustic fence is proposed on the boundary between the railway line and the public footpath.
- 1.7 The plans have been amended since their original submission to take account of original concerns expressed about highway matters, security of users of the public right of way and overlooking.
- 1.8 The application is accompanied by a design and access statement and a noise assessment.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S1	Sustainable development
Policy DR1	Design
Policy DR2	Land use and activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning obligations
Policy DR13	Noise
Policy H1	Hereford and the market towns: settlement boundaries and established residential areas
Policy H9	Affordable housing
Policy H13	Sustainable residential design
Policy H14	Re-using previously developed land and buildings
Policy H15	Density
Policy H16	Car parking
Policy T6	Walking
Policy HBA	New development within conservation areas

3. Planning History

3.1 The following relate specifically to the application site:

NC2007/2671/F	Proposed 10 no. houses and associated works	-	Refused 03/12/07
NC2004/1887/F	Demolition of derelict building and erection of 4 dwellings	-	Approved 25/11/04
NC2004/1561/C	Demolition of derelict building	-	Approved 16/07/04

3.2 The following are also relevant and relate to sites adjacent:

NC2008/0711/F	Demolition of bungalow and garage, replace with a pair of semi detached houses and associated parking at Little West, Pinsley Road	-	Approved 06/05/08
NC2008/0002/F	Proposed demolition and conversion of mill, construction of glass link and new works to form three storey double block, to create nine apartments and all associated works at Pinsley Mill	-	Approved subject to a Section 106 Agreement

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - No objections subject to conditions. Highlight the existence of a public sewer crossing the site and require that no development is permitted 3 metres either side of its centre line.

Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards - No objection subject to the imposition of conditions to protect the new dwellings from rail noise, hours of construction and the burning of materials on site.
- 4.3 Transportation Manager - No objections subject to conditions and contributions of 1,500 per dwelling for highway improvement works in the locality.
- 4.4 Public Rights of Way Manager - No objection on the basis of the amended plan showing the acoustic fence on the boundary between the railway line and the public footpath as opposed to between the footpath and the site to be developed. Recommends the imposition of a condition requiring that the footpath be re-surfaced.
- 4.5 Conservation Manager - Raises concerns about the design of the proposal and its impact upon the conservation area.
- 4.6 Parks, Countryside and Leisure Development Manager - No objections subject to a contribution of 500 per bedroom for off site open space and play area provision. This equates to a total of 10,000. A contribution towards new sports facilities is also requested of 630 per dwelling, being a total of 13,230.
- 4.7 Head of Strategic Housing - Does not support the application as it only provides 6 affordable units. A 35% provision equates to 7 units.

All units must be subject to a Section 106 Agreement and this should include the following details:

- 1. All units should be built to the Housing Corporation's Design & Quality Standards 2007 without grant subsidy.
 - 2. All shared ownership units be capped at 80% ownership to keep them affordable for local people in perpetuity.
 - 3. All units to be allocated to applicants with a strong local connection to Leominster, or to Herefordshire in the event that no suitable applicant with a connection to Leominster can be found.
 - 4. All units to be allocated through Home Point.
- 4.8 Network Rail - No objection subject to conditions relating to boundary treatments, landscaping and drainage.

5. Representations

- 5.1 Leominster Town Council – No objection to the principle of development but recommend refusal on the basis of over-development, lack of amenity space and highway safety.
- 5.2 River Lugg Drainage Board – No objection subject to a condition requiring the details of surface water drainage arrangements to be submitted.

- 5.4 The Rambler's Association – Objected to the original submission on the basis that the erection of an acoustic fence would create an alleyway for the public footpath. Have not commented on the amended plans.
- 5.5 Herefordshire Trail Committee – Objected to the original submission on the basis that the erection of an acoustic fence would create an alleyway for the public footpath. Have not commented on the amended plans.
- 5.6 Ten letters of objection have been received from local residents and a petition of 6 signatories. In summary the points raised are as follows:
1. Concerns over highway safety, particularly the point of access onto Pinsley Road and the additional traffic that would be generated by the proposal.
 2. Access should be curtailed from Pinsley Road through The Grange.
 3. The proposal is inadequate in terms of its parking provision. This will result in additional parking along Pinsley Road.
 4. Concerns about privacy and amenity for properties bordering the site.
 5. The proposal represents an over-intensification of development, higher than the scheme for 10 dwellings that was refused.
 6. The scheme does not reflect the character or appearance of the conservation area.
 7. The three -storey elements of the proposal are overpowering.
 8. The proposal is a missed opportunity to make a positive impact.
 9. Concerns about drainage.
- 5.7 The applicant's agent has commented in light of the objections that have been received. He considers that the linear development of the bulk and proportions shown, and with features that reflect Pinsley Mill is acceptable.

The scheme is intended to be sustainable and its location in close proximity to the town centre and transport links supports this view.

The concentration of overlooking has been minimised through the consideration of floor levels, boundary treatment and orientation of living room windows. The distance between the rear elevation of the scheme and the dwellings on Pinsley Road is well in excess of 30 metres.

The acoustic fence has been re-sited onto the railway line boundary to reduce the corridor effect on the public footpath. The use of Phon Glazing in some of the windows and doors will also achieve a reduction in noise created by the railway line.

A 1.2 high palisade fence is proposed between the public footpath and the development with a keypad operated gate for the occupants of the flats to gain direct access to the footpath.

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

6. Officer's Appraisal

6.1 The proposal gives rise to four key issues to be assessed as material planning considerations and these are as follows:

1. Design.
2. Impact on the conservation area.
3. Highway safety (including parking)
4. Residential amenity.

Each of these will be dealt with in turn.

Design

6.2 The site provides a number of constraints which serve to limit the nature of the development. It is narrow, is bounded by a railway line and public footpath, it only has one point of access and is dissected by a public sewer. The result is that there is only a limited area that can be built upon and the proposal seeks to maximise this through a development of flats as opposed to individual dwellings. In part this is achieved through the use of three storey elements. There is no fundamental objection to this in terms of planning policy and the height of parts of the proposal does, as the agent suggests, reflect that of the mill to the south.

6.3 The density of the development equates to 84 dwellings per hectare. However, the very nature of flats is that they provide a higher density of living accommodation than a development of individual dwellings. Furthermore the requirements and expectations for providing private amenity space are entirely different and therefore the simple application of Policy H15 in respect of density is not considered to be appropriate. An assessment must be made as to whether the scheme provides all of the associated services such as car and cycle parking and bin storage without the development appearing unduly cramped. In your Officer's opinion the scheme does achieve all of these aims.

6.4 The use of two and three storey elements breaks the bulk of the development and provides an interesting response to the constraints of the site. The use of hipped roofs further helps to reduce the mass of the built form and the front elevation, facing onto the railway line is given some relief through the introduction of full height gabled projections.

6.5 In conclusion, the proposal is a logical response to the constraints of the site. It is of an appropriate scale and mass in relation to its surroundings and is considered to accord with policies DR1 and H13 in this respect.

Impact on the Conservation Area

6.6 The context in which this development will be seen is against the backdrop of the residential areas of Leominster. Pinsley Road is a mix of development whose ages range from the early 20th century to the present day. The conservation area has no defining architectural character and the development of this currently vacant site, given the constraints that have previously been identified, will enhance the appearance of the

conservation area in accordance with policy HBA6 and the guiding principles of PPG15.

Highway safety

- 6.7 The Transportation Manager is satisfied with the access to the site and its emergence onto Pinsley Road. Many of the objections raise concerns with increased traffic movements in the area and seemingly that Pinsley Road is used by vehicles to cut through to the Grange, but there is no evidence to suggest that this development would exacerbate this, particularly as it is close to the junction of Pinsley Road and Etnam Street.
- 6.8 The plans show that one space per unit will be provided on site. This accords with policy H16 of the UDP and is considered to be acceptable given that residents would have ready access to public transport, pedestrian routes into the town centre and also as the scheme also makes provision for cycle parking.
- 6.9 The site is well located to make full use of the pedestrian links that it has with the town centre. It is acknowledged that the public footpath is well used and it is considered that the amendments made to the location of the acoustic fence address concerns originally raised regarding public safety. As a result the footpath provides an ideal opportunity to encourage future residents to walk rather than use private motor vehicles. As a result the proposal is considered to fully accord with policies DR3 and T6 of the Unitary Development Plan.

Residential amenity

- 6.10 The element that potentially causes the greatest degree of overlooking is the three storey part located towards the centre of the site. The others are either screened by a mature *Lleylandii* hedge within the curtilage of an adjoining property (to the southern end of the site), or oppose the Scout Hut (to the north) where there is no issue in terms of amenity. The scheme has been amended since its original submission and the number of windows to habitable rooms facing onto the properties on Pinsley Road in the centrally located three storey part now number just two bedroom windows, one at first and one at second floor level. Whilst the development is in close proximity to the western boundary, a combination of the lower ground level of the application site, existing vegetation within the curtilage of many of the adjacent dwellings and the fact that the dwellings on Pinsley Road are in excess of 30 metres from the boundary with the application site all serve to ensure that there will be minimal overlooking. Similarly the distance between the proposed development and existing dwellings will ensure that the three storey elements do not appear to be overbearing. It is therefore concluded that the proposal is acceptable in terms of residential amenity and accords with policies DR1 and H13 in this respect.

Other issues

- 6.11 The affordable housing provision of six units is slightly below the requirements of policy H9 of the UDP (29% as opposed to the 35% required by the policy). However, the applicant's agent has indicated that the first block upon entering the site is to be offered as the affordable element. This is beneficial for two reasons. First it is easily managed as a single element by a Housing Association and second, being at the entrance to the application site, it should negate a suggestion that there is an intention to separate the affordable element from the open market part. Your officers would have greater concerns if it were to be located at the northern end of the site.

- 6.12 For these reasons a slight reduction in the affordable housing provision is justified and subject to the recommendations of the Head of Strategic Housing the scheme is considered to be acceptable.
- 6.13 Concerns relating to surface water drainage can be addressed through the imposition of conditions. This is reflected in the advice given by Welsh Water.

Conclusion

- 6.14 The requirements made in respect of financial contributions are in accordance with the Council's approach prior to the adoption of the Planning Obligations Supplementary Planning Document on 1st April 2008. It has been agreed that applications lodged before this date should not be subject to the full range of contributions now required. A Draft Heads of Terms Agreement is attached as an appendix to this report and covers affordable housing, highway improvements, open space provision and improvements to sports facilities.
- 6.15 On this basis the proposal is considered to accord with the adopted policies of the Unitary Development Plan and the application is recommended for approval.

RECOMMENDATION

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

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

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

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

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

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

- 3. A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

- 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. B03 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

6. C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

7. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

8. I44 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

9. I13 (Scheme to protect new dwellings from road noise)

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

10. H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

11. L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives

- 1. N15 - Reason(s) for the Grant of Planning Permission.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. HN01 – Mud on highway.**
- 4. HN04 – Private apparatus within highway.**
- 5. HN05 – Works within the highway.**
- 6. HN10 – No drainage to discharge to highway.**

Decision:

Notes:

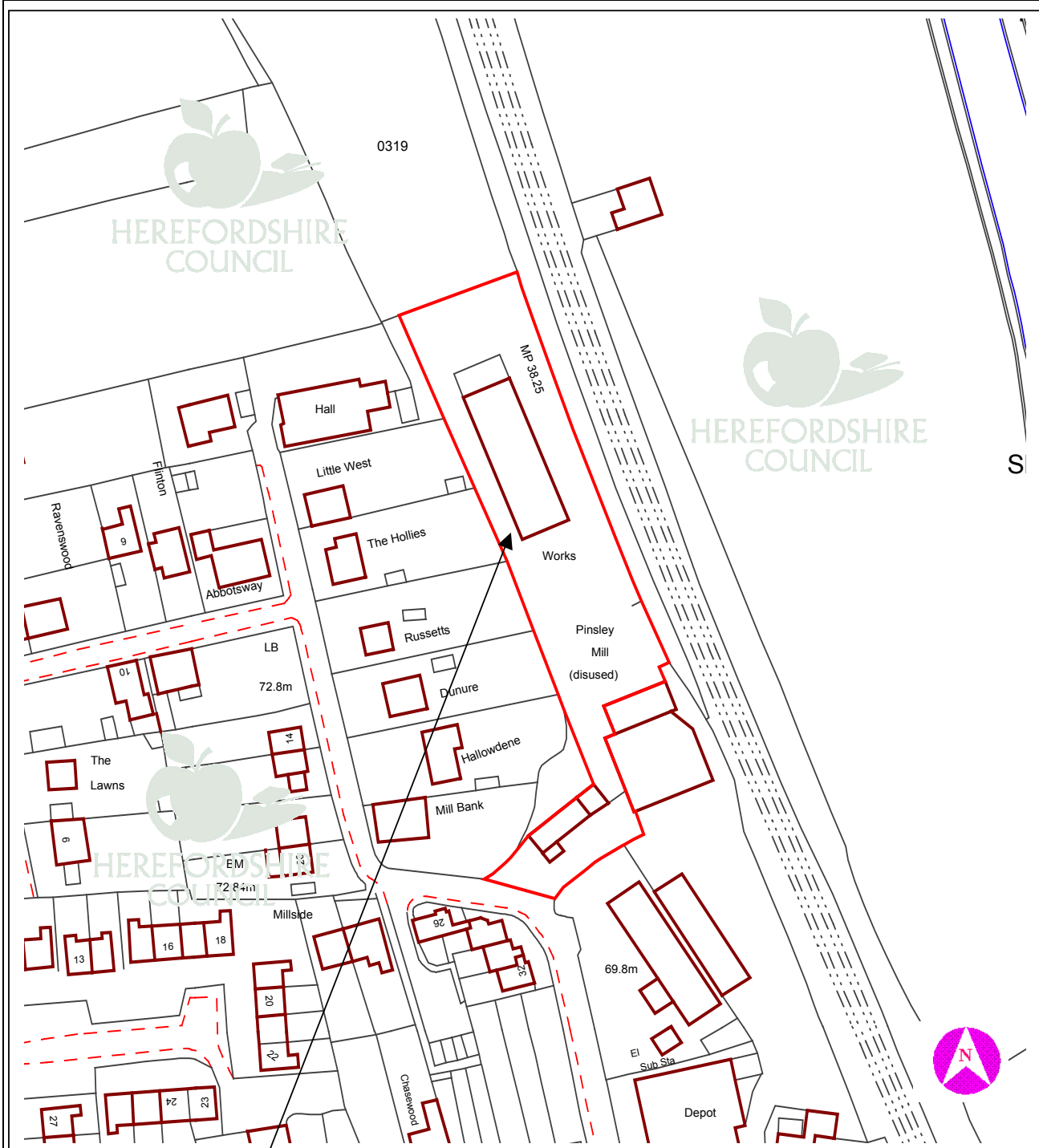
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Background Papers

Internal departmental consultation replies.

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

- Planning Application – DCNC2008/0440/O
 - Site for the development of 21 apartments, access road and parking
 - Pinsley Works, Pinsley Road, Leominster.
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,000 in respect of play area facilities to serve the development, such contribution to go towards facilities at the Sydonia Park. This sum shall be paid on or before the commencement of the development..
 2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £13,230 towards off site sports facilities to serve the development, such sum to be used for improvements at Bridge Street Sports Centre. The sum shall be paid on or before the commencement of the development.
 3. The developer shall provide six affordable units, those being units 16 to 21 inclusive as indicated on drawing number 963.1 Rev. B submitted as part of the application. Such units will meet the criteria as set out in section 5.5 of the Unitary Development Plan 2007. The applicants or successors in title shall procure the construction of the affordable units in accordance with the current Housing Corporation Design & Quality Standards 2007 and Lifetime Home Standards with no affordable housing grant input.
 4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £31,500 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Leominster.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
 5. In the event that Herefordshire Council does not for any reason use the said sums of Clauses 1, 2 or 4 above for the purposes specified within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 6. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal and administrative costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
 7. The developer shall complete the Agreement by 16th July 2008 otherwise the application will be registered as deemed refused.



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APPLICATION NO: DCNC2008/0440/O

SCALE : 1 : 1250

SITE ADDRESS : Pinsley Works, Pinsley Road, Leominster, Herefordshire, HR6 8NX

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