

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 30th July, 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:

*Heather Donaldson, Democratic Services
Officer, Tel 01432 261829
e-mail hdonaldson@herefordshire.gov.uk*

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. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
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.	
3. MINUTES	
To approve and sign the Minutes of the meeting held on 2 July 2008.	1 - 12

4. ITEM FOR INFORMATION - APPEALS	13 - 16
<p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	
PLANNING APPLICATIONS	
<p>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.</p>	
<p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p>	
<p>Agenda items 5 and 6 are applications deferred for site inspections at the last meeting and items 7 and 8 are new applications.</p>	
5. DCNC2008/0978/F & DCNC2008/0979/C - MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ	17 - 34
<p>Proposed demolition of workshops and redevelop site for seven dwellings and car parking.</p>	
6. DCNW2008/0927/F - BELLWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NJ	35 - 42
<p>Proposed siting of three lodge units for holiday use together with access drive, car parking and sewage treatment plant.</p>	
7. DCNW2008/1344/F - ORCHARD CLOSE, EARDISLEY, HEREFORD, HR3 6NP	43 - 54
<p>Proposed erection of three dwellings with associated access and parking.</p>	
8. DCNC2008/1363/F - CANTILEVER LODGE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG	55 - 64
<p>Erection of new house and ancillary garage.</p>	
9. DATE OF NEXT MEETING	
<p>27 August 2008</p>	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Please Note:

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

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

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

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

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 2 July 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)

Councillors: LO Barnett, WLS Bowen, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, R Mills, A Seldon, J Stone and JK Swinburne

In attendance: Councillor JE Pemberton

12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, RC Hunt, TM James, P Jones CBE, PM Morgan, RJ Philips, RV Stockton and PJ Watts.

13. DECLARATIONS OF INTEREST

There were no declarations of interest made.

14. MINUTES

RESOLVED: that the minutes of the meeting held on 04 June 2008 be approved as a correct record and signed by the chairman.

15. ITEM FOR INFORMATION - APPEALS

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

16. DCNC2008/1350/F - CHAPEL COTTAGE, WYSON, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL

The Local Ward Member, Councillor J Stone commented that an earlier application proposing an extension to the house at the site had been withdrawn because officers had advised that it was too large. This application was, in his view, more appropriately sized. He added that the concerns raised by local residents regarding flooding, parking arrangements and the issue of being overlooked had all been addressed by the officer's report. He concluded by pointing out that an impressively wide variety of consultation had taken place and that, on balance, the application had his support.

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 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 F08 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

4 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.

5 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

INFORMATIVES:

1 N19 - Avoidance of doubt - Approved Plans

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

17. DCNC2008/0978/F & DCNC2008/0979/C - MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

[Note: Due to the Local Ward Member, Councillor JP French, having another engagement later in the afternoon, the Chairman agreed to change the order of business and consider these applications earlier on. The remainder of the business was conducted in the order as indicated on the agenda]

The Northern Team Leader updated the committee that an email had been received from the applicant to confirm acceptance of the draft Heads of Terms for planning obligations. The Assistant Solicitor (Corporate) made some minor alterations to the report in relation to the correct title of an officer, and to refer correctly to the proposed the Heads of Terms.

In accordance with the criteria for public speaking, Mr A Legge, the applicant, spoke in support of the application.

The Local Ward Member, Councillor JP French felt there was little merit in saving the old building within the site. She added that she felt it was important to secure funding under a Section 106 agreement, for leisure and educational facilities for the surrounding area. She felt a site visit would be beneficial, because the full visual impact on the local area could not be appreciated from the plans submitted.

RESOLVED:

THAT determination of the application be deferred pending a site inspection on the following ground:

- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

18. DCNW2008/0927/F - BELLWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NJ

The Principal Planning Officer provided the following update:

The Conservation Manager had made the following comments:

(Landscape)

Thank you for consulting us on the above application, in response I would like to make the following comments:

- The application recognises the proximity of Shobdon Wood and the Mortimer Trail and whilst this is undoubtedly some justification for locating holiday accommodation, it also serves to highlight both the sensitivity and value of the surrounding landscape. The site is located in the '*Principal Wooded Hills*' landscape type as identified in the Herefordshire Landscape Character assessment. This is a landscape, in part, defined by the dispersed settlement pattern and lack of buildings and structures. The landscape is heavily influenced by the proximity to the extensive woodland cover on the ridge of hills running from Ludlow to Kington, generally referred to as the Mortimer Forest.
- The condition of the landscape is generally good with few incongruous introductions visible, with the exception of a nearby poultry unit, and many historic features retained. However, the pressures of intensive agriculture are marked and the general change in the landscape is likely to be negative; loss of field boundary trees, reduction in hedgerow condition and coniferisation of woodland. To this end the landscape has a degree of sensitivity to change.
- The few buildings that are visible in this landscape tend to be of traditional scale and construction or associated with agriculture. From the site only two other buildings/groups of buildings are inter-visible; the storage unit at the Forestry Commission site and a small farm unit to the north-east. Medium distance views of the site, although partially screened by existing vegetation will be gained from both the road and the lower edges of Shobdon Wood with more extensive views across central Herefordshire in the distance. Close views will be gained from an adjacent public right of way. Furthermore, the introduction of additional car parking and a stoned/gravel drive would result in a domestication of the informal landscaped area to the east of the main house.

- As the proposed units are neither traditional in size nor scale and would be visible within a sensitive landscape and from a number of vantage points, I consider the application to have failed the criteria laid out in policy LA2 of the UDP (amongst others).

(Ecology)

As discussed earlier, I visited the site today, and thought that there was potential for great crested newts to be present. The new access track may affect GCN terrestrial habitat, and I recommend that further information is provided as to whether they are present. If found to be present, a mitigation strategy will also be required.

Reason:

To comply with UDP Policies NC1 and NC5 with regard to the impact of development upon protected species.

The Principal Planning Officer said that a further reason for refusal would be added to the report, on the grounds given by the Conservation Manager.

Councillor LO Barnett said that the objections raised by the Transportation Manager carried less significance in this area, because many of the roads could be described as "substandard". She added that officers would not have raised objections had the application been for agricultural use. She felt a site visit would be advantageous for the committee.

RESOLVED:

THAT the determination of the application be deferred pending a site inspection on the following grounds:

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

19. DCNW2008/1391/F - KEEPER'S COTTAGE, WINFORTON, HEREFORD, HEREFORDSHIRE, HR3 6EB

The Principal Planning Officer updated the Sub-Committee with an email received from The Lloyd Family, Wood Farm, Winforton noting their support for the application, that they would like to see the improvements, and that they were impressed with the plans.

In accordance with the criteria for public speaking Mr. Benbow, the applicant's agent, spoke in support of the application.

The Local Ward Member, Councillor JW Hope said that he had requested the Sub-Committee's consideration of the application because he felt that the proposed extension would improve the aesthetics of this unique building, and it would enhance the surrounding area.

Members were in general agreement that the development would make cosmetic sense for the building and that the application was not such a significant change to the existing dwelling that it merited refusal.

RESOLVED:

- That**
- (i) **The Northern Area Planning Sub-Committee is minded to approve the application, subject to any conditions and agreements considered necessary by officers, provided that the Head of Planning Services does not refer the applications to the Planning Committee;**
 - (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the applications, subject to such conditions and agreements referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he was minded to refer the matter to the Head of Planning Services because there were crucial policy issues at stake.]

20. DCNW2008/1371/F - SCHOOL HOUSE CRAFTS, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

The Senior Planning Officer provided the following update:

- A Letter had been received from the applicants confirming they will pay the financial contribution as requested by the Children's and Young People's Directorate, in accordance with the Council's SPG on Planning Obligations, and they now agree to the principle of the Draft Heads of Terms for the Section 106 agreement.

In the light of the above update, the Senior Planning Officer stated the following:

- In consideration of the applicants' agreement to the Draft Heads of Terms with regards to Planning Obligations and with no objections received to the application, the development is considered acceptable and the recommendation is now changed from one of refusal to approval.

Local Ward Member, Councillor LO Barnett said that the Leintwardine Parish Council had been concerned about the parking arrangements in the village, although she noted that this application would have no bearing on parking. She felt that the Section 106 agreement would impose an unreasonably large contribution on the applicant. She added that, although she was in favour of the principle of Section 106 agreements, the amounts asked for should be fair and just. Other members of the committee agreed with these sentiments and suggested that the amounts asked for should be practical, and that a clear ceiling should be established. The Development Control Manager advised the Sub-Committee that a review of the Section 106 policy was underway, and he aimed to address this issue.

RESOLVED:

That the application be delegated to the Head of Planning Services for approval subject to conditions as considered appropriate including a condition with regards to the applicants signing a Section 106 agreement under the Town and Country Planning Act 1990 to secure contributions in accordance with the Draft Heads of Terms prior to development on site, and any additional matters and terms as he considers appropriate.

21. DCNW2008/1368/F - LOWER WOOTTON GRANGE, WOOTTON, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6PX

The Northern Team Leader provided the following update:

- A response had been received from Almeley Parish Council stating overall view is that application should be supported subject to clarification on dwelling size, the Council considers a dwelling of 120 square metres habitable space to be an acceptable size, but no larger. Also states that the Planning Authority must be satisfied that the agricultural side of the business is profitable, viable and sustainable.

The Northern Area Team Leader said that the Local Parish Council's comments had been noted. The dwelling as indicated on the proposed plans was considered acceptable in size. However, the business was not considered financially viable with insufficient essential need proven.

In accordance with the criteria for public speaking, Mr G Wall, the applicant's agent, spoke in favour of the application.

The Local Ward Member, Councillor JW Hope, said that he had no objection to the application because he felt there was a legitimate need for the development.

Councillor WLS Bowen raised the point that half of the farm's declared income came from a shepherding service to other farms – some as far away as New Zealand – and therefore the case to house another agricultural worker on the site had not been made. He added that the application was contrary to established development plans and that the Sub-Committee should be mindful of this when reaching a decision.

Other members of the committee said that a consistent approach was needed in this instance, to avoid setting a precedent. They referred to instances when some larger farms, which had been the subject of similar applications elsewhere in Herefordshire, had been denied planning permission for very similar reasons.

Members acknowledged that the need for a dwelling had been established, especially because there had previously been a temporary permission for a caravan on the site, for an agricultural worker. They also felt that there was merit in supporting a local rural business.

Having considered all the information surrounding the application, members agreed that planning permission be granted because they felt that the business case, and the need for such a development, had been clearly established.

RESOLVED:

- That**
- (i) The Northern Area Planning Sub-Committee is minded to approve the application, subject to any conditions and agreements considered necessary by officers, provided that the Head of Planning Services does not refer the applications to the Planning Committee;**
 - (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the applications, subject to such conditions and agreements referred to above.**

[Note: The Development Control Manager advised that he was minded to refer the matter to the Head of Planning Services because there were crucial policy issues at stake.]

22. DCNW2008/1206/F - WITHYSTONE COURT, HOPLEYS GREEN, ALMELEY, HEREFORDSHIRE, HR3 6QX

The Northern Team Leader provided the following updates:

- The applicant had written to advise that the building is primarily for storage of garden equipment, trailer, bicycles ladders, wood etc.
- Mr and Mrs Harris had written following a meeting to discuss planning procedures. They consider that an inappropriate use of delegated powers in relation to the previous permission for holiday lets have had a direct bearing on the consideration of this application. They consider that there are omissions in plans relating to conditions and that it was inappropriate for advice to be given to submit this current retrospective application. They consider that in light of this the application should be deferred to resolve those issues first.

The Northern Team Leader reported the following officers' response to the update:

- The previous application to permit 2 holiday units, identified in the report, included a condition to require the agricultural building including the concrete base it stood on to be removed in the interests of visual amenity. The building has been removed. The concrete base currently remains. Part of it is included in the current application proposal. Part of the base is to be retained to provide parking spaces in accordance with condition 8 of the holiday let permission. It is proposed to surface in either tarmac or decorative stone. The remaining area of concrete base is to be covered with raised garden areas.

It was considered that these were acceptable alternatives to the complete removal of the base in visual amenity terms.

Whilst Mr/Mrs Harris consider that these decisions have been prejudicial to the consideration of the current application I do not consider this to be the case. Regardless of the concrete base matter this application on its own merits is considered acceptable.

Advice to the applicant that a retrospective application was necessary for the building and use of land as garden was the correct advice.

In accordance with the criteria for public speaking, Mr Harris spoke in objection to the application.

RESOLVED

That planning permission be granted subject to the following conditions:

1. F14 (Removal of permitted development rights)

Reason: 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.

2. The building hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house known as Withystone Court and not for the carrying out of any trade or business.

Reason: To ensure that the building is used only for the purpose ancillary to the dwelling and to comply with policy H18 of Herefordshire Unitary Development Plan.

INFORMATIVES

1. N15 - Reason(s) for the Grant of Planning Permission
 2. N19 - Avoidance of doubt - Approved Plans
23. DCNC2008/1292/F - LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU

The Northern Team Leader provided an updated site location plan, because the original on the agenda was incorrect.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2 - B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3 - G13 (Tree planting)

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

INFORMATIVES

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

**24. DCNC2008/1311/F - LOWER BUCKLAND FARM AT LOWER BUCKLAND,
DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU**

The Northern Team Leader updated the Sub-Committee, that the Parish Council had responded and had raised no objections to the application, and that highway notes had been omitted from the application, and would be added to the recommendation.

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 - G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

3 - G12 (Hedgerow planting)

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

4 - G13 (Tree planting)

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

5 - H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

6 - H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

7 - 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

INFORMATIVES:

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

2 - N19 - Avoidance of doubt - Approved Plans

3 – Highway notes HN01,HN04, HN05, HN10 and HN28

25. DCNC2008/1320/F - GREEN HOUSE, PANNIERS LANE, FLAGGONERS GREEN, BROMYARD, HEREFORDSHIRE, HR7 4QR

The Northern Team Leader informed the Sub-Committee that the Parish Council had now responded in support of the application.

Local ward members Councillors A Seldon and B Hunt said that they supported the application, as the Town Council had raised no objections.

RESOLVED

THAT officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:

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

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

2 - 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.

3 - G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

2 - N19 - Avoidance of doubt - Approved Plans; and

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

26. DATE OF NEXT MEETING

30 July 2008.

The Chairman informed the Committee that Peter Yates, Development Control Manager, was attending the Northern Area Sub-Committee for the last time in his current role. He had recently been seconded to the post of Forward Planning Manager for the Authority. The Sub-Committee thanked him for his dedication and support, and wished him every success in his new role.

The meeting ended at 3.25 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNC2007/3954/F**

- The appeal was received on 01 July 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 Cosnett
- The site is located at Chestnut Pool Cottage, -, Tedstone Wafre, Bromyard, Herefordshire, HR7 4PY
- The development proposed is Conversion of garage/storeroom to holiday let accommodation (resubmission of DCNC2007/1097/F).
- The appeal is to be heard by Written Representations

Case Officer: Julia Shields 01432 383088

Application No. DCNW2007/3301/F

- The appeal was received on 17 June 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 P Colley-Davies
- The site is located at Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The development proposed is Change of use to allow a campsite for eco-tourism projects and educational purposes
- The appeal is to be heard by Written Representations

Case Officer: Rebecca Jenman on 01432 260336

Enforcement Notice EN2008/0019/ZZ

- The appeal was received on 18 June 2008
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr SJ Layton
- The site is located at:
Yew Tree Cottage, Monnington-on-Wye, Herefordshire, HR4 7NL
- The breach of planning control alleged in this notice is:
Without planning permission the material change of use of agricultural land to a mixed storage use, including the siting of two caravans for storage purposes together with associated operation development in the form of two storage buildings
- The requirements of the notice are:
 - i) *Permanently cease using the land for mixed storage*
 - ii) *Permanently cease using the brick building for the storage of building equipment, building materials, domestic items and non-agricultural items*
 - iii) *Permanently remove the two caravans from the land*

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

- iv) *Remove all building materials and equipment, including bricks, roofing sheets, roofing tiles, concrete slabs, steels, corrugated metal sheets, concrete pipes, guttering and ladders*
 - v) *Remove all wooden items, including all pallets, timbers, sectional building panels, fencing posts, fencing panels, doors, as well as all logs and branches*
 - vi) *Remove all wire netting, wire, metal and plastic barrels, tanks and cylinders*
 - vii) *Remove all motor vehicles, including the JCB*
 - viii) *Demolish the associated operation development*
 - ix) *Remove all materials resulting from the demolition of buildings from the land*
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNW2008/0364/F

- The appeal was received on 30 June 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 P Sheppard
- The site is located at Lion Cottage, -, Upper Hill, Leominster, Herefordshire, HR6 0JZ
- The development proposed is Proposed two storey extension.
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261781

APPEALS DETERMINED

Application No. DCNC2007/2869/F

- The appeal was received on 19 March 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 CNG Developments Ltd
- The site is located at Adjacent to 44 Vicarage Street, Leominster, Herefordshire
- The application, dated 6TH September 2007, was refused on 18th January 2008
- The development proposed was Proposed 4 new houses
- The main issue is the effect of the proposed development on highway safety, in respect of pedestrians using the public footpath forming the access to the site.

Decision: The appeal was ALLOWED on 9 July 2008

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/2258/F

- The appeal was received on 19 March 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 CNG Developments Ltd
- The site is located at Adjacent to 44 Vicarage Street, Leominster, Herefordshire, HR6 8DS
- The application, dated 12th July 2007, was refused on 29th August 2007
- The development proposed was Proposed four new houses.
- The main issue is the effect of the proposed development on the Site of Special Scientific Interest (SSSI) and protected species on the site.

Decision: The appeal was ALLOWED on 9 July 2008

Case Officer: Andrew Banks on 01432 383085

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

5A DCNC2008/0978/F - PROPOSED DEMOLITION OF WORKSHOPS AND RE-DEVELOP SITE FOR 7 DWELLINGS AND CAR PARKING AT MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

5B DCNC2008/0979/C - PROPOSED DEMOLITION OF WORKSHOPS AND RE-DEVELOP SITE FOR 7 DWELLINGS AND CAR PARKING AT MARSH MILL, BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ

For: Legge per Mr P McIntosh, Beechcroft House, 109 Manor Road, Woodstock, Oxon, OX20 1XS.

Date Received: 31 March 2008 Ward: Leominster North Grid Ref: 49364, 59701
Local Members: Councillors P Jones and JP French

1. Introduction

- 1.1 This application was deferred for a site visit to be carried out by members and for additional contributions to be made under the new SPD for Planning Obligations.
- 1.2 Additional contributions have been calculated in accordance with the SPD and as such, a revised draft Heads of Terms has been included at the end of this report.
- 1.3 The site visit was undertaken on 15 July 2008 and as requested on site, the full comments raised by John Stagg, the Council's Conservation Officer have been provided below:

“These applications relate to the demolition of the former Marsh Mill which is an adapted C18 mill with a later attached 19th century addition and the replacement with 7 houses. The Former Marsh Mill is clearly an important part of the industrial heritage of Leominster that has already lost many of its former mills and is therefore of local interest.

The conservation area boundary appears to have been purposefully extended to include this building. It makes an undeniably significant contribution to the street character by its protrusion into the street and its prominence when viewed from the south.

The buildings are not listed and a full historic investigation of the site is necessary and I would suggest this is carried out by an expert on mills. I

previously consulted such an authority, Alan Stoyel about Marsh Mill (and Pinsley Mill) who commented as follows:

The potential redevelopment of both of these sites comes as no surprise. Each of them is of interest and importance in historical terms, and I have a mass of historical information on them both. Relating this information to the surviving building is relatively straightforward for Pinsley Mill. This is because Pinsley Mill has managed to survive as a separate building, and the historical material relates to it specifically.

For Marsh Mill, however, it is much more difficult for two reasons. Firstly, much of the water-powered mill adjacent to Bridge Street to which you refer has been demolished already. Secondly there is the problem of establishing which of the two "Marsh" Mills is the subject of much of the documentary material I have been studying in recent months.

As you probably know, Marsh Mill, also known as Porter's Mill, used to stand in Mill Street, until that building was demolished for road widening. The buildings on the West side of what is now Bridge Street were associated with what used to be known as Nether Marsh Mill - because this street was at that time known as the "Nether Marsh". The fact that Nether Marsh Mill used to be upstream of the original Marsh Mill has added to the confusion, and I am still trying to sort out to which of the two mills various records refer! If you could be more specific about what information you would like from me, however, I will do my best to be of help.

I have not yet carried out a proper field investigation of the buildings at either site, but I would very much welcome the opportunity of doing so, if this could be arranged. Access to the interiors of the buildings would enable me to determine exactly how much historic fabric has survived of each mill, to ascribe dates to it, and to relate it to the historical information I have. I would then be in a better position to advise you about the importance of what survives.

I am delighted to assist in any way I can, and I look forward to hearing further from you. I can be reached on 01544-230235 - if you wish to discuss the matter on the phone.

Please note the spelling of my name - I am amazed the email came through!

Yours sincerely
Alan Stoyel

The original pre app meeting with the applicant led to the submitted plan for residential development which the applicant demonstrated was based on the retention of the original parts of the Mill and conversion to residential. The applicant had expressed his willingness to keep the buildings, which "suited me better". In principle I was supportive of this scheme but it was clear in the later office meeting with the applicants agent and officers, that highway engineers objected to the scheme on highway visibility grounds.

I recently had a further on site meeting with the applicant who agreed that a possible way forward would be to retain the earlier stone building and remove

the later brick building. This would help secure the visibility splay the highway officer was requiring. It seemed to offer a potential solution and I therefore assumed the scheme would be submitted along these lines.

It is very disappointing after three discussions with the owner and confirmation from him that he would retain Marsh Mill, that we again have a submitted a scheme to demolish the building rather than following through the offer he made to retain the building.

It is clear that from the application information submitted a 40 m visibility highway splay in line with Gov advice is practically possible enabling the building to be retained.

The justification for the demolition is totally inadequate and does not take full account of the test laid down in PPG15 takes:

- *There is no historic assessment of the importance of the building or site from an appropriate professional advisor.*
- *The structural conditions are not quantified from an appropriate professional advisor for both buildings.*
- *Why does lack of insulation makes the building unsuitable for a residential use?*
- *Why would the retention and conversion of the building be unviable? No figures are provided to substantiate this*
- *Why is retaining the main elements of the building not a viable solution when it was clearly their intention previously. If the scheme is unviable to the applicant it may be viable to someone else.*
- *The SOS would normally expect to see a building advertised for sale at a realistic market valuation for a realistic time without restrictive covenants. (Par 3.19 ii)*

The philosophy of the adaptation of Marsh Mill to an acceptable alternative use equates to that of a rural building conversion, where the work can be extensive and has to deal with all matters such as internal insulation. In essence I would consider Marsh Mills to be a less difficult building to convert to an alternative use .if necessary.

It is noted they are willing to retain historic elements on the site. This is in effect all we were asking for in retaining the principle elements of the mill in its existing historic position. There is little or no merit in taking elements of the buildings for reuse on the site in some future scheme the details of which are unknown. It is far more appropriate in conservation area matters to retain the historic Mill building in its original basic form and existing position.

PPG15 (Paragraph 4.6) confirms the general presumption in favour of retaining buildings, which make a positive contribution to the character and appearance of the area.

In determining applications for conservation area consent the Council therefore has a general duty to ensure the demolition does not detract from the preservation or enhancement of the conservation areas special character. The historic significance of this area relates to its industrial connection and retaining this should be prevalent in any scheme for redevelopment.

There are 4 general considerations and 3 further specific ones, which the Government advises to be considered in determining all applications for conservation area consent. These need to be addressed by the applicant.

These tests are as set down in the Government's advisory guidance notes Planning and the Historic Environment (PPG15) (par 3.5 and 3.19) dated 1994

General considerations

- *Importance of building, its intrinsic architectural and historic interest and rarity in local and national terms*
- *Design and physical features of particular interest*
- *Buildings setting and contribution to the local scene*
- *Extent to which the proposal brings substantial benefits to the community by virtue of enhancement or economic regeneration*

Specific Tests

- *The condition of the building and the cost of repairing it in relation to its importance and the value derived from its continued use.*
- *Adequacy of efforts to retain the building in use*
- *The merits of the alternative proposals for the site*
- *The impact of the application scheme cannot be judged accurately without contextual information showing how it relates to the street scene, particularly the group of buildings to the north some of which are listed. Ref PPS1 (sustainable development)*

Setting back the buildings from the back of footpath leaves an uncomfortable front public space. It is neither one thing or another – in effect no more than a visibility splay with non-descript landscaping which is an uncharacteristic feature of the west side of the street within the conservation area.

The development has an inherently contrived appearance. This whole new frontage is made to appear as if it has evolved over time, yet there is no evidence to suggest that the buildings will not have the same component features, e.g. design and size windows, doors, dormers and canopies. The arched entrance is visually and structurally too wide in building terms and would become a dominant feature in the street scene.

The relationship of the dormers to the mass of brick and the cramped fenestration details of the new unit immediately to north relate uncomfortably to each other and the whole elevation appears to be too fussy with too many openings in relationship to the mass of brickwork. This is symptomatic of the number of units proposed. My view is that the development will not relate well to the remaining side of the street within the conservation area to the north.

Notwithstanding these fundamental objections the information supplied is too sketchy for such a key site as this. Far more fenestration details are required for windows, doors etc

My view is the case for demolition has not been satisfactorily made in the context of the requirements of PPG15.

I am of the view that what the remains of the existing mill is an important aspect of the character of the site and it should be the key to creating a regeneration scheme of which housing could form the principle component

The development is not of a sufficient standard for this key site within the Bridge Street CA and I recommend the applications for refusal. It does not comply with PPS1, PPS3, PPG15, THE UDP policies HBA6, 7, 8 the statutory requirements of the P (LB and CA) Act 1990”.

2. Site Description and Proposal

- 2.1 The application site lies along Bridge Street, (the B4361), which runs between Leominster towards Ludlow, and lies just outside the town centre of Leominster. Part of the site lies within the Leominster Conservation Area.
- 2.2 Marsh Mill lies within an existing residential area with housing directly to either side and at the rear. The site is currently used for industrial purposes and utilises two traditional buildings (A former mill) and a modern steel framed building to the rear with an open yard/ storage area to the front of the site.
- 2.3 The proposal seeks planning permission and conservation area consent to demolish the existing industrial workshops and redevelop the site to form 7 dwellings comprising of: 4 x 2 bedroom houses, 2 x 3 bedroom houses and a 1 x1 bedroom flat, all using a shared car parking facility. Rear gardens with cycle storage sheds will be provided for each of the dwellings with the exception of the flat, which has additional internal storage areas.
- 2.4 As the development would involve the demolition of buildings within the Conservation Area, an application for Conservation Consent has also been submitted.
- 2.5 In addition, a full Flood Risk Assessment prepared by Hydrologic was submitted with the application.
- 2.6 This application is the result of over twelve months of discussions between various officers of the Council.

3. Policies

National Planning Policy

PPS25: Development and Flood Risk

Herefordshire Unitary Development Plan 2007

H1	-	Settlement boundaries and established residential areas
H13	-	Sustainable residential design
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
DR10	-	Contaminated Land
HBA6	-	New development within Conservation Areas
HBA7	-	Demolition of unlisted buildings within Conservation Area
ARCH4	-	Archaeological sites of national or regional importance
ARCH5	-	Other archaeological sites of regional or local importance

4. Planning History

- 4.1 DCNC2007/3115/C - Proposed demolition of industrial units: Refused.
- 4.2 DCNC2007/2104/F - Proposed demolition of workshops and proposed residential development of 8 units: Withdrawn.

5. Consultation Summary

Statutory Consultations

- 5.1 Environment Agency: No objection
- 5.2 Welsh Water: No objection

Non-Statutory Consultations

- 5.3 Leominster Civic Society: Strong objection on loss of mill buildings, which would be detrimental to Conservation Area.
- 5.4 River Lugg Drainage: Recommendation that Environment Agency be consulted in respect of flood risk

Internal Council Advice

- 5.5 Transportation: No objection, subject to s106 contributions
- 5.6 Environmental Health: No objection, subject to conditions
- 5.7 Archaeological Officer: No objection subject to conditions
- 5.8 Conservation: Objection to proposal as summarised below:
- The mill is of historic importance in this part of the conservation area.
 - There appears to be inadequate information upon which to assess the proposal based on advice contained within PPG15.
 - The proposal appears to rely on the need to provide visibility splays for its justification.
 - There is also concern that the proposal, notwithstanding the demolition of the mill, fails to preserve or enhance the conservation area.
 - Independent advice was sought regarding the buildings but there is some confusion as to the historical records and which buildings they relate to.

6. Representations

- 6.1 Leominster Town Council have raised no objections
- 6.2 An email was received from Mr James, Presteigne objecting to the proposal on the basis that the development would result in the loss of the historic mill buildings
- 6.3 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.

7. Officer's Appraisal

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

- Principle of development
- Scale and design/ Amenity
- Impact on Conservation Area
- Transportation
- Flood Risk
- Potential for Contaminated Land
- Potential for Archaeology

Principle of development

7.2 The site is within an established residential area and within the defined settlement boundary of Leominster. In terms of utilising previously developed land, both government policy and the HUDP fully encourage such redevelopment for residential uses provided that all other relevant policy considerations can be satisfied.

7.3 The site is established for industrial uses and is where the applicant currently operates a carpentry business. Given that the site lies within a distinctly residential area of Leominster, it is clear that this site is no longer well suited to this location in terms of its visual impact, its impact on the residential amenity of those living in close proximity and the problems presented in respect of the number and type of vehicles that access this site to facilitate the industrial uses present. Leominster benefits from a large Industrial Estate, (Southern Avenue) on the other side of the town and this would therefore provide an opportunity for the applicant to relocate his business. As such, it would appear to be appropriate that the site be developed for residential purposes.

Scale and Design

7.4 In this particular locality there is a variety of housing styles reflective of their period however, these are predominantly located close to the adjoining street providing a strong line of street frontage development. This has been reflected in the scheme submitted with the housing forming a terrace of properties with small front yards/gardens to the front. Each property varies slightly in style and size and again, this takes some reference to other properties found further along Bridge Street. The use of brick, render and slate roofing would appear to be compatible with the locality and in keeping with the Conservation Area.

7.5 Whilst each dwelling varies slightly, all houses on the site will be provided with a private rear landscaped garden with cycle storage shed. The rear gardens all meet an access pathway at the rear of the site, which enables access to the car parking area. Although the flat has no garden, a larger storage area is provided with external rear doorway, and has a front entrance with a ground floor internal hallway, either of which is suitable for cycle and refuse storage. This is considered acceptable given that it provides only one-bed accommodation.

7.6 The line of the terrace will follow the line of the adjoining road and as such will be visually broken rather than forming a hard straight line. The terrace has been set slightly further back from the road edge in order to provide adequate access and visibility to and from the site.

- 7.7 The properties are two-storey only, which should ensure that they would not be over-dominant within the street scene, or upon any neighbouring property. Whilst the drawings submitted are not overly detailed, the design and access statement submitted has provided further information regarding proposed detailing to be included across the entire scheme. To ensure the final scheme provides sufficient finished details that would enhance the development and the street-scene, a number of conditions would need to be included within any recommendation.
- 7.8 Overall, it is my opinion that the scheme provides adequate living accommodation with private amenity space and has been designed to reflect the character and context of the area. As such, it would appear to accord with policy DR1 and H13 of the HUDP.

Amenity

- 7.9 Whilst the proposed development is bound on all sides by neighbouring residential properties, there appears to be sufficient space between any of these neighbouring properties to overcome any amenity concerns. I do not consider that the development poses any risk to the amenity of any residential neighbour and there have been no objections raised against this proposal on these grounds.

Impact upon Conservation Area

- 7.10 The Conservation Officer, Leominster Civic Society and a local resident (From Presteigne) have raised significant objections to the proposed demolition of the original mill buildings. Whilst the comments received are respectfully acknowledged, this application is the result of a long period of negotiation with several sections of the Council. The culmination of which, means that without the demolition of the buildings, the redevelopment for housing would not achieve the required visibility splays and would thus fail to comply with recommended highway safety standards. This is due to the position of the mill buildings on the 'pinch point' of the road. Despite negotiations, the Transportation department have refused to support any new scheme with the inclusion of the mill buildings. Given that the B4361 is a relatively busy road, it is my opinion that any redevelopment should provide an improvement to the existing access, particularly given that it will serve 7 residential units.
- 7.11 In making the required improvements to the access and visibility however, the mill buildings would need to be demolished. In terms of relevant development plan policy (HBA7), having received a suitable scheme of replacement, it must be demonstrated that the mill buildings do not contribute to the character and appearance of the Conservation Area and the structural condition of the buildings are such that the cost of repair out-weighs the importance of their retention.
- 7.12 The applicant has submitted details including photographic evidence of the condition of the buildings. It is apparent that whilst the external walls of the buildings remain, there is little left of any original internal features. Most of the internal walls are modern concrete block work, with ply cladding, and there are large sections of modern roofing. There is evidence that shows that the structure of the buildings is poor and that many additions and alterations have been made to the buildings in order to support the structure and to utilise them for industrial purposes. Overall it is clear that in order to 'save' these buildings from further deterioration, a significant amount of structural and internal work would be required, although cannot be insisted upon. Externally, whilst the elevations fronting the street are original, given their physical condition, modern additions and half painted finish, I am not convinced that they contribute so significantly to the Conservation Area such as to justify the refusal of this application.

Transportation

- 7.13 Given the realignment of the development along the roadside, visibility along this stretch of the highway will be significantly improved. Furthermore, the change of use of the site from industrial to residential should help to improve the movement of traffic given that there will no longer be heavy goods vehicles visiting the site which currently causes some congestion.
- 7.14 The provision of 13 car parking spaces on site is considered to meet the required standards for the number of dwellings proposed, which should provide adequate off-road car parking to residents and visitors to the site.
- 7.15 Cycle storage sheds have been provided and will be sited within the curtilage of each property. This is considered to be satisfactory.
- 7.16 Overall, the proposal presents a much improved access point and visibility along this part of Bridge Street. The Council's Highways Engineer is satisfied that the proposal accords with the necessary highway standards. The Highways Manager has requested that a financial contribution for improvements to the highways network be made in accordance with the Supplementary Planning Document on Planning Obligations. These recommendations have formed the basis of the draft Heads of Terms as set out at the end of this report.

Flood Risk

- 7.17 Having received the flood risk assessment, the Environment Agency are satisfied that the development is not itself at risk of a flood event nor likely to cause flooding of nearby properties. In order to ensure that this risk is prevented, a condition has been recommended.

Contaminated Land

- 7.18 The historical information on this site refers to the former use of the site as a garage and as such, there may be some potential for land contamination. The Council's Environmental Health officer has therefore recommended that an assessment of any risk of contamination and required remediation works be submitted prior to development, in order to ensure that the development accords with policy DR10 of the HUDP.

Archaeological Site

- 7.19 Whilst the archaeological sensitivity of the site is not wholly clear, given the presence of the mill on this historical site, which is included on the county sites and monuments record (ref HSM 8909) an archaeological investigation will need to be implemented prior to the commencement of any development. This will secure compliance with policy ARCH4 and ARCH5 of the HUDP.
- 7.20 Overall, the proposed development is considered to be acceptable and in accordance with the relevant development plan policies, in particular policies DR3, DR4, DR7, DR10, H1, H13, HBA6, HBA7, ARCH4 and ARCH5 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 25: Development and Flood Risk.

7.21 The recommendations of the Highways Manager regarding financial contributions has formed the basis of the draft heads of Terms set out at the end of this report. A Section 106 agreement will be required to facilitate these financial contributions and the Draft Heads of Terms provides an outline of the requirements of the said Section 106 Agreement.

RECOMMENDATION

In respect of DCNC2008/0978/F:

The head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure a contribution for additional improvements to the highways network and any additional matters and terms as he considers appropriate.

Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:

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

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

2 - D02 (Approval of details):

- a) **Specification of all external materials**
- b) **Brick detailing**
- c) **Eaves, gable and chimney details**
- d) **Detail of finishes including colour of external walls**

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

3 - D05 (Details of external joinery finishes)

Reason: To ensure the satisfactory appearance of the development so as to ensure that the development lies in harmony with the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

4 - Finished floor levels shall not be set lower than 71.99 m AOD as detailed within the flood risk assessment dated March 2008.

Reason: To prevent flood risk for the lifetime of the development.

5 - 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.

- 6 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways and receptors, a conceptual model and a risk assessment in accordance with current best practice.
 - b) If the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent of contamination, incorporating a conceptual model of all potential pollutant linkages and an assessment of risk to identified receptors.
 - c) If the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from the contaminants/ or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate scheme submitted to the local planning authority for written approval.
- 7 - The Remediation Scheme, as approved pursuant to condition (6) above, shall be fully implemented before the development is first occupied. On completion of the Remediation Scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.
- 8 - 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
- 9 - 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
- 10 - H19 (On site roads - phasing)
- Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan
- 11 - 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

12 - 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.

13 - G20 (Open plan to front of dwellings)

Reason: In the interests of the amenity of the development and to comply with the requirements of Policy DR4 of Herefordshire Unitary Development Plan.

14 - F14 (Removal of permitted development rights)

Reason: 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.

15 - F16 (No new windows in specified elevation)

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

16 - 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.

17 - I43 (No burning of material/substances)

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

18 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and water recovery system has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

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

Reason: To protect the integrity of the public sewerage system and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

20 - No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

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

environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

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

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN28 - Highways Design Guide and Specification
- 6 - Whilst it has been demonstrated that the risk of flooding is minimal in the 1% flood event with climate change event we would advise that the applicant/ development be signed up the Environment Agency Flood Warning System.
- 7 - The applicant may also wish to consider the incorporation of flood proofing techniques. These include removable barriers on air bricks and providing electrical services in to the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.
- 8 - N15 - Reason(s) for the Grant of Planning Permission.
- 9 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-
 - Drawing numbers 298 WD 21, 298 WD 22, 298 WD 23 - date stamped 31st March 2008.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

In respect of application ref no DCNC2008/0979/C that Conservation Area Consent be given subject to the following:

- 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 - No demolition works shall take place until a contract for the redevelopment has been let.

Reason: To ensure that this site does not become derelict in this conservation area.

- 3 - E02 - Archaeological survey and recording.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

Informatives:

- 1 - N15 – Reason(s) for the Grant of Conservation Area Consent.

- 2 - N19 - For the avoidance of any doubt the plans for the development hereby approved are as follows:-

- 298 WD20, 298 WD21, 298 WD22, 298 WD23, 298 WD24, 298 WD25 – date stamped 31st March 2008

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

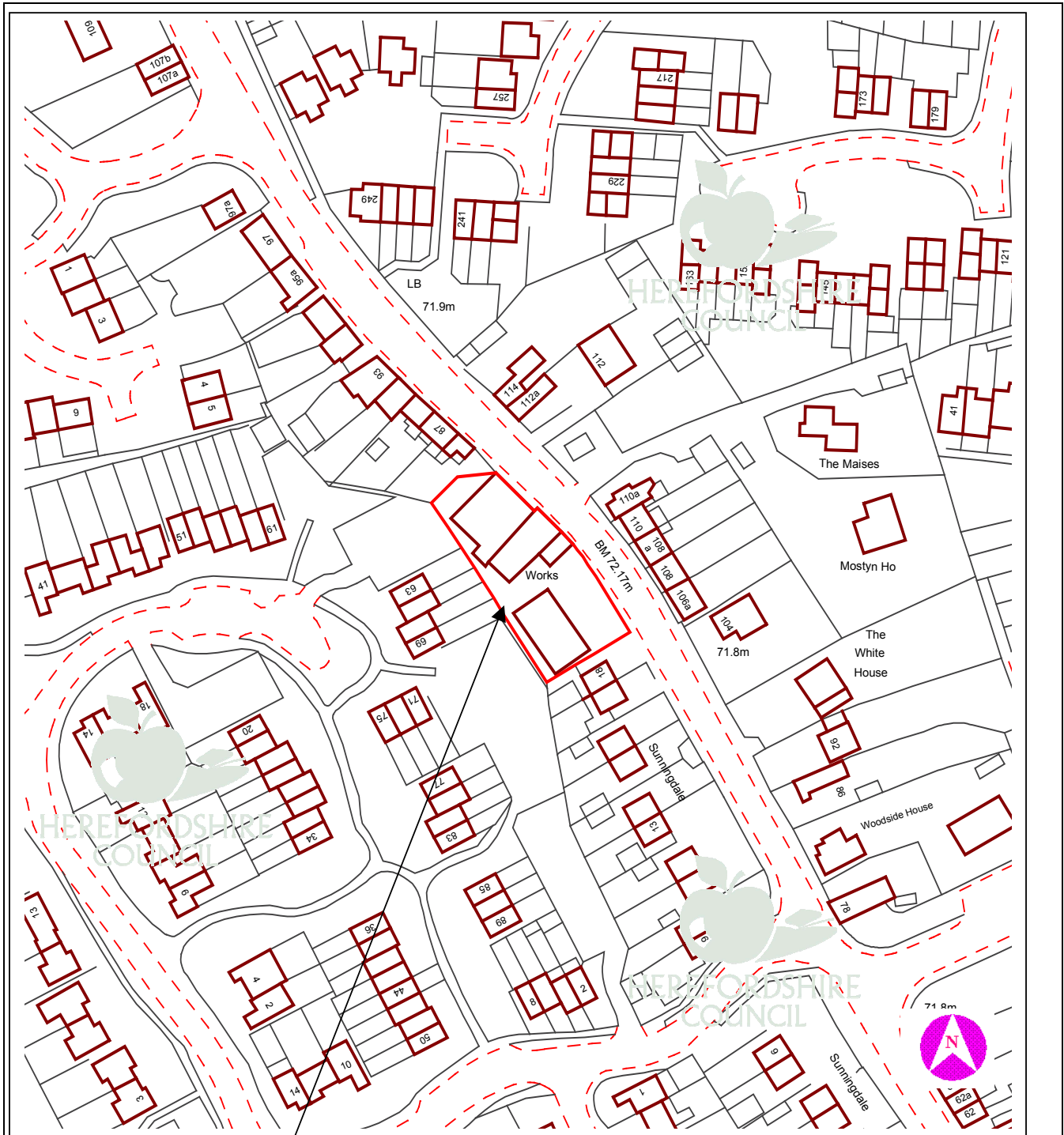
HEADS OF TERMS

**Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990****Planning Application – DCNC2008/0978/F****Demolition of workshops, redevelopment of site for seven dwellings and car parking
at Marsh Mill, Bridge Street, Leominster.**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £7,749 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which are not Section 278 works i.e. essential to facilitate development).
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (This list is not in any order of priority)
 - a) Traffic calming measures in the area
 - b) Improved bus shelters/ stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improve lighting and signage to existing highway/ pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in the area
 - f) Improvements to public transport services
 - g) Any other purpose falling within the criteria defined in 2 above
3. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development, to pay Herefordshire Council the sum of £1,532.
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) To improve the quality and accessibility of the more formal green space in the vicinity of the site
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3,241(In accordance with the Sport England Sport Facility Calculator) for improvements to the Bridge Street Sports Park, or pooled for other sports facilities within the catchment area of the application site.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £6,312 to provide enhanced educational infrastructure/ facilities for the nursery, infants, primary, and secondary schools as well as the Youth Service, lying within the catchment area of the application site.
7. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 3, 5 and 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
8. All of the financial contributions shall be index linked and paid on or before commencement of the residential development unless otherwise agreed in writing with Herefordshire Council.
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and administrative completion of the Agreement.

10. The developer shall complete the agreement by 30 November 2008 otherwise the application will be registered and deemed refused.

Julia Shields – Planning Officer
July 15 2008



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

APPLICATION NO: DCNC2008/0978/F

SCALE : 1 : 1250

SITE ADDRESS : Marsh Mill, Bridge Street, Leominster, Herefordshire, HR6 8DZ

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

6 DCNW2008/0927/F - PROPOSED SITING OF THREE LODGE UNITS FOR HOLIDAY USE TOGETHER WITH ACCESS DRIVE, CAR PARKING AND SEWAGE TREATMENT PLANT AT BELLWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NJ

**For: Mr & Mrs R Stokes per Bryan Thomas
Architectural Design Ltd The Malt House Shobdon
Leominster Herefordshire HR6 9NL**

Date Received: 28 March 2008

**Ward: Pembridge &
Lyonshall with Titley**

Grid Ref: 38975, 63206

Expiry Date: 23 May 2008

Local Member: Councillor RJ Phillips

Update:

A committee site visit was held on the 15 July 2008.

Verbal Updates were made at the last committee. These have now been included in this report, including the change to the recommendation regarding the potential ecological impact.

1. Site Description and Proposal

1.1 The application site comprises a parcel of land approximately 1.5 hectares in size that lies to the east of the dwelling and business premises known as Bellwood. The site is accessed from an unclassified road approximately 1Km from the B4362 (Shobdon to Presteigne). The site is accessed using an existing vehicular existing access point. The site itself lies to the North of an existing pond within which has some existing trees along the Southern Boundary.

1.2 The proposal is for the siting of three mobile home type holiday lodges units (approximately 11.4m by 6.1m and capable of sleeping up to six people), together with a new access road, parking area, landscaping and packaged treatment plant. The site is described as being situated just to the South of Shobdon Wood, close to the Mortimer trail and Shobdon loop walk. The proposed development is described in the Design and Access Statement as being able to provide comfortable accommodation for walkers using the trail and others wishing to holiday in North Herefordshire.

2. Policies

Unitary Development Plan (2007)

S1 - Sustainable development
S7 - Natural and historic heritage
S8 - Recreation, Sport and Tourism
DR2 - Land use and activity
DR3 - Movement

E12 - Farm Diversification
LA2 - Landscape character and areas least resilient to change
LA4 - Protection of historic paths and gardens
LA6 - Landscaping Schemes
NC1 - Biodiversity and development
RST12 - Visitor Accommodation
RST13 - Rural and farm tourism development
RST14 - Static Caravans, chalets, camping and touring caravan sites

National Planning Policy:

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

Good Practice Guide on Planning and Tourism

3. Planning History

- 3.1 2008/0128/F - Siting of three lodge units for holiday use together with access drive, car parking and treatment plant - withdrawn 4th March 2008
- 3.2 N99/0154/N - Extension to agricultural contractors workshop - approved 07-jul-1999
- 3.3 96/0708 - erection of dwelling and change of use of workshop to agricultural contracting business -approved with conditions - 12-nov-1996

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non statutory consultations required.

Internal Council Advice

- 4.2 Internal Council Advice
- 4.3 The Transportation Manager makes the following comments:

Recommends refusal for the following reasons: No variation is proposed to the previous application. Visibility achievable is below standard and as the proposal would result in the intensification of use of the access, highway safety would be compromised.

- 4.4 The Conservation Manager makes the following comments:

(Landscape)

Thank you for consulting us on the above application, in response I would like to make the following comments:

- The application recognises the proximity of Shobdon Wood and the Mortimer Trail and whilst this is undoubtedly some justification for locating holiday accommodation, it also serves to highlight both the sensitivity and value of the

surrounding landscape. The site is located in the '*Principal Wooded Hills*' landscape type as identified in the Herefordshire Landscape Character assessment. This is a landscape, in part, defined by the dispersed settlement pattern and lack of buildings and structures. The landscape is heavily influenced by the proximity to the extensive woodland cover on the ridge of hills running from Ludlow to Kington, generally referred to as the Mortimer Forest.

- The condition of the landscape is generally good with few incongruous introductions visible, with the exception of a nearby poultry unit, and many historic features retained. However, the pressures of intensive agriculture are marked and the general change in the landscape is likely to be negative; loss of field boundary trees, reduction in hedgerow condition and coniferisation of woodland. To this end the landscape has a degree of sensitivity to change.
- The few buildings that are visible in this landscape tend to be of traditional scale and construction or associated with agriculture. From the site only two other buildings/groups of buildings are inter-visible; the storage unit at the Forestry Commission site and a small farm unit to the north-east. Medium distance views of the site, although partially screened by existing vegetation will be gained from both the road and the lower edges of Shobdon Wood with more extensive views across central Herefordshire in the distance. Close views will be gained from an adjacent public right of way. Furthermore, the introduction of additional car parking and a stoned/gravel drive would result in a domestication of the informal landscaped area to the east of the main house.
- As the proposed units are neither traditional in size nor scale and would be visible within a sensitive landscape and from a number of vantage points, I consider the application to have failed the criteria laid out in policy LA2 of the UDP (amongst others).

4.5 (Ecology)

As discussed earlier, I visited the site today, and thought that there was potential for great crested newts to be present. The new access track may affect GCN terrestrial habitat, and I recommend that further information is provided as to whether they are present. If found to be present, a mitigation strategy will also be required.

Reason: To comply with UDP Policies NC1 and NC5 with regard to the impact of development upon protected species.

5. Representations

5.1 Shobdon Parish Council make the following comments:

Has no objection providing run-off water enters the existing pool and does not drain into the surrounding fields. Also any outside lighting is sympathetic to the Countryside area.

5.2 A letter of representation has been received from Mr Simon Arbuthnott, Belgate House, Shobdon whose comments/objections were later formally withdrawn.

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 for consideration in the appraisal of this proposal are:

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

Policies and principles

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

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

6.4 Planning Policy Statement 7 sets out the governments specific objectives to promote sustainable patterns of development in rural areas. It recognises that diversification into non-agricultural activities is vital to the continued viability of many farm enterprises and suggests that local authorities should be supportive of well conceived farm diversification that contribute to sustainable development objectives and help to sustain the agricultural enterprise. This application provides no evidence that this is a farm diversification programme that may warrant some consideration under these policies. As such the application lacks any justification for the encroachments into the open countryside.

Sustainable Location

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

6.6 The application submission makes no reference to the proximity to facilities in the village of Shobdon and towns of Presteigne or Kington. The site is approximately 1km to the main Presteigne road and a significant distance to an public service. Whilst it may attract those who wish to walk or cycle, realistically the predominant mode of

transport will be the private motorcar. The scale of development also then become relevant where there will be additional car movement for 3 units, sleeping up to six persons. This is considered inappropriate and a level of development which would increase traffic movements to the detriment of the environment and locality.

- 6.7 The existing access to the site is substandard and the Transportation Manager raises an objection in terms of highway safety having particular regard to the intensification of the use. As such the proposal is considered to be contrary to policies DR3 and RST14 of the Herefordshire Unitary Development Plan (2007).

Landscape Impact and Scale and Character of Development

- 6.8 The application site itself is has some screening and would benefit from additional screening to protect views from public vantage points. However, the scale of the development would have an impact on the rural character of this area. These units would inevitably acquire a clutter of domestic paraphernalia such as decking, washing lines, parasols and outside seating, barbeques and vehicles parking. The introduction of three units and a new driveway to the South of the existing pond would unavoidably make this site more assertive in the landscape, not least because of the sheer presence of households in terms of movement or people and vehicles. The intensification of activity and density would have a more urban nature and would change the character of the area, eroding its extremely quite and rural qualities. As such the proposal is considered to be contrary to policies DR2, LA2 and RST14 of the Unitary Development Plan (2007).
- 6.9 It remains a central principle of government policy to protect the countryside for its own sake. The fact that development may be well screened is not justification for that development. The Councils Landscape Officer has made detailed comments on this matter and also recommends refusal.

Ecology

- 6.10 The Councils Ecologist has also visited the site and raised concerns that the development may impact on protected species. Without the benefit of an ecological report on this matter, that would identify the presence of such species and make recommendations (if present) to mitigate against harm, the Council is unable to confirm compliance with the relevant policies of the Herefordshire Unitary Development Plan (2007) and guidance contained within PPS9 – Biodiversity and Geological Conservation.

Conclusion

- 6.11 Whilst policies are generally supportive of chalet / caravans parks in appropriate locations, the proposed siting of three holiday lodges on a site which is considered remote from services and facilities is considered contrary to policies S1, S6, DR2 and DR3 as well as the principle and aims of PPS7 and the Good Practice Guide for Tourism. Whilst it is accepted that the proposal would not have a far-reaching landscape impact the development of this scale, would, by its nature, change the character of the locality to the detriment of the landscape quality. As such it is considered to be contrary to policies DR2, LA2 and RST14 of the UDP (2007). The proposal also lacks detail as to the ecological impact of the development contrary to policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan (2007).

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the open countryside. As such the proposal is considered to be contrary to polices DR2, LA2 and RST14 of the Unitary Development Plan (2007).**
- 2. The proposed development, by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan (2007)as well as the objectives of PPS7- Sustainable Development in Rural Areas.**
- 3. The intensified use of the existing substandard access that would serve the proposed site would be to the detriment of highway safety and as such would be contrary to the aims of policy DR3 of the Herefordshire Unitary Development Plan (2007).**
- 4. In the absence of an ecological survey to the contrary, the proposal cannot be considered to comply with Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan (2007).**

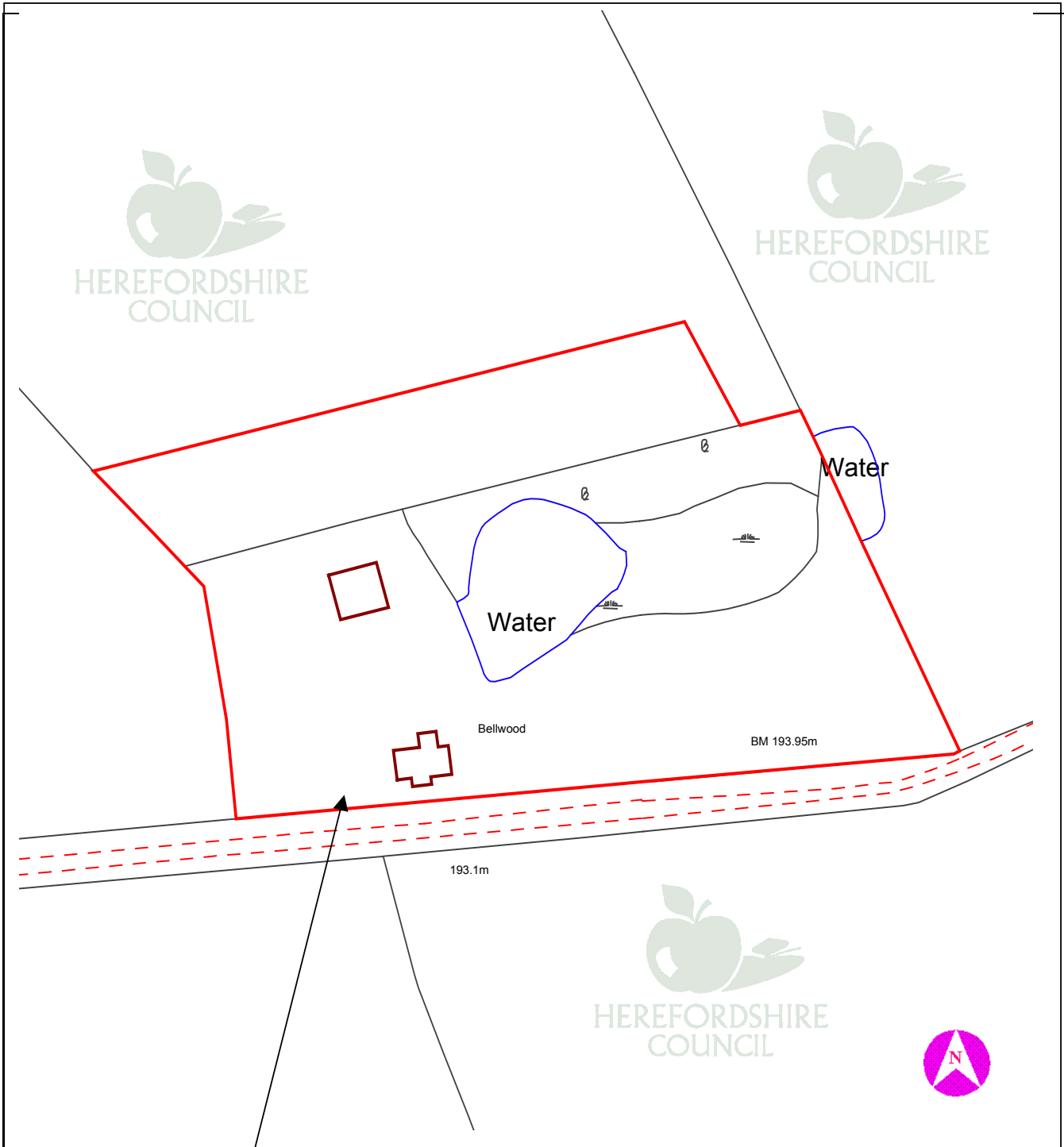
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2008/0927/F

SCALE: 1: 1250

SITE ADDRESS: Bellwood, Shobdon, Leominster, Herefordshire, HR6 9NJ

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

7 DCNW2008/1344/F - PROPOSED ERECTION OF THREE DWELLINGS WITH ASSOCIATED ACCESS AND PARKING ON LAND ADJACENT TO ORCHARD CLOSE, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NP

For: J.R. Homes per Mr Roberts, DLP Planning Ltd, 2A High Street, Thornbury, Bristol BS3 2AQ

Date Received: 15 May 2008
Expiry Date: 10 July 2008

Ward: Castle

Grid Ref: 31360, 49227

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The application comprises a parcel of land 0.12ha in size and irregular in shape forming an area of land between number 3 Orchard Close and the timber yard. The site then widens to the north taking in an area of tarmac (used informally for parking) adjacent to numbers 4 - 8 Orchard Close. Within the site there is a line of conifer trees which are in excess of 4m in height and essentially split the site into two parts.
- 1.2 The proposal is for the erection of 3 detached dwellings. Unit 1 would be sited fronting the highway (Forest Road) that leads to Larchlap timber yard adjacent number 3 Orchard Close. The building would be in line with the adjacent bungalow with a parking and turning area to the front and garden area extending 7.8m to the rear of the proposed dwelling. The dwelling would have a plot size of approx 31m x 10m. The footprint of the proposed house would be of 9.5m by 8m (152 sq m over two floors) and would comprise four bedrooms, bathroom, en-suite, lounge/diner, kitchen, utility, wc and integral garage. The dwelling would have an eaves height of 4.4m and ridge height of 7.8m with dormer style windows to the front and rear elevations.
- 1.3 Units 2 and 3 would be detached dwellings located to the north of the eastern half of the site and are accessed via Orchard Close opposite the terrace of bungalows whose back gardens/yards face the site. Orchard Close is an existing cul-de-sac of 18 housing association bungalows that are used by the elderly and disabled.
- 1.4 The units are North/South Facing with the bungalows facing the gable ends of Unit 2. Each of these units has a detached single garage. Units 2 and 3 offer three-bed accommodation with a footprint of 7m by 8.8m (123.2 sq m floor area). The dwellings have an eaves height of 4.3m and ridge height of 7.6m. The dwellings have dormers to the south and north elevations.
- 1.5 Access to the units 2, 3 and 4 is via Orchard Close. The area to the west and north of the site removes some of the hard-surface area for landscaping and planting, retaining an existing pedestrian and vehicular access for the adjoining owners. The tarmac hard-surface would be partially replaced with block paving. Additional landscaping is also proposed.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 – Sustainable development
 S2 – Development requirements
 DR1 – Design
 DR3 – Movement
 DR5 – Planning obligations
 DR7 – Flood risk
 H4 – Main villages: settlement boundaries
 H13 – Sustainable residential design
 HBA6 – New development within conservation areas

3. Planning History

- 3.1 NW2007/2900/F - Proposed new four two-storey dwellings - refused on the 6th November 2007 for the following reason:

The proposed development fails to respect the character and appearance of the locality in terms of the scale, mass, height and siting of the dwellings and the use of hard and soft landscaping and hard-surfaced areas. As such the development represents a cramped form of development that fails to preserve or enhance the Eardisley Conservation Area contrary to policies DR1, H13 and HBA6 of the Herefordshire Unitary Development Plan and guidance contained within PPG15 : Planning and the Historic Environment.

- 3.2 NW2007/0379/F - Proposed new four two-storey dwellings - Refused 3/4/07 for the same reason as above.
- 3.3 DCNW2005/3843/F - Proposed agricultural implement store - approved 10/1/06 (on immediately adjacent site).
- 3.4 NW2004/2076/0 - Change of use from amenity land to site for residential - withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency

The site is located within Flood Zone 3 ('high risk', 1% floodplain) based on our flood zone map.

On the basis that the previous FRA document has been formally submitted to form part of this planning application we would make the following comments.

With reference to the above FRA, we note that it is estimated that a 20% increase in peak flow would result in a 1% flood flow of approximately 0.81m³/sec. This gives a 1% flood plus climate change (20%) level of 72.98m AOD. As detailed within the FRA, we are therefore satisfied that there is a 0.59 metre freeboard, based on the cross section adjacent to the site, in a 1% plus climate change (20%) flood event, as required by PPS25 – Development and flood Risk (December 2006).

We also note that a safe dry pedestrian access is available to and from the site in a 1% event plus climate changed based on the above. The letter dated 6 October 2006 from Hydro-Logic submitted as part of pre-application discussion outlined that dry access would be available from the crossroads at Church Street, in a northerly direction. We note that spot heights on Church Road vary from 75.5m AOD to 76.7m AOD, which satisfy the above.

On the basis of the above we have no objection in principle to the proposed development, but we would recommend that finished floor levels are set no lower than 600mm above the 1% plus climate change (20%) flood level of 72.98m AOD.

CONDITION:

Finished floor levels of all dwellings shall be set no lower than 73.58m AOD (600mm above the 1% plus climate change (20%) flood level of 72.98m AOD), unless otherwise agreed in writing by the LPA.

REASON:

To protect the properties from flood risk for the lifetime of the development.

Surface Water:

We would agree with the FRA recommendation to employ permeable pavements or gravel, as a form of sustainable drainage, to decrease surface water run-off from the site post development.

Foul Drainage:

In line with our amended Table 1 and in accordance with Article 10 – (1) (iii) of the GDPO (1995), the Environment Agency (Severn Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'foul drainage assessment form' for your consideration.

Internal Council Advice

4.2 The Council's Conservation Manager makes the following comments:

"The house designs are disappointing, but I consider the submission with three houses, rather than four, to be broadly acceptable in conservation terms, given the nature of the immediate surroundings.

The houses are generally taller than the adjacent, and there is a case for requiring a traditional roof material such as slate.

Recommendation: Approval recommended subject to a condition as to roof materials."

4.3 The Council's Planning and Transportation Manager makes the following comments:

Recommends refusal for the following reasons:

- Inadequate parking and turning space for House 1 (three spaces for a four bed dwelling)
- No cycle parking for House 1
- No Section 106 contribution provided
- Uncertain if access rights exist over private road
- Paths too narrow

- Rear access to bungalows is not maintained.

Section 106 request - 1 x 4 bed, 2 x 3-bed, with low accessibility requires £12,297.00 as per SPD justification plus local improvements to pedestrian facilities.

- 4.4 The Manager of Accommodation and Forward Planning (Children and Young Peoples directorate) make the following comments and requests:

The educational facilities provided for this development site are Kington Early Years, Eardisley CE Primary School, Lady Hawkins High School and Kington Youth Service.

The Childcare Sufficiency Assessment highlights that 22% of parents do not take up a better job due to childcare issues, whilst 8% are unable to return to work. There is an anecdotal need to childminders within Kington. Early morning, late evening and variable hours are needed, but significant need for weekend care also noted.

Eardisley CE Primary School has a planned admission number of 15. As at the Spring Census 2008 the school had 1 year group over capacity (Year 5 - 17).

Lady Hawkins High School which has a planned admission number of 90. As at the Spring Census 2008 the school had 1 year group at capacity (Year 9) and 1 year group over capacity (Year 8 - 91).

Kington is a very lively area in terms of young people, and requires considerable skill to ensure that those young people close to the margins of crime are engaged and supported to turn their attention to more positive activities. Kington would benefit from more youth work and especially more sporting activity for young people and a range of activity especially at weekends.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies received for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Eardisley Primary School and Lady Hawkins High School that we would otherwise be able to do.

The Children & Young People's Directorate would therefore be looking for a contribution to be made towards Children and Young People in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children. The Children and Young People contribution for this development would be as follows:

2 x three bed houses £4,900 each (total: 9,800)
 1 x four+ bed houses £8,955 each
 TOTAL: £18,755

- 4.5 The Cultural Services Manger (libraries) makes the following comments and requests:

On the basis of the figures in the SPD, the contribution would be £637.00 to be used to purchase stock for the mobile libraries.

5. Representations

5.1 Eardisley Parish Council makes the following comments:

Raises objections on the basis of increase in traffic and access problems and limited parking opportunities. Bungalows would be more in keeping with the area.

5.2 18 Letters of objection have been received from local residents who raise issues in relation to:

- Additional traffic movements
- Parking and Congestion problems along Orchard Close - an existing problem that will increase. Current road users often have restricted mobility (and use wheelchairs, sticks, walking frames or need kerb-side assistance)
- Overlooking and loss of privacy from the first floor windows
- Over-development - bungalows would be more suitable
- Drainage - always been a problem with sewerage, drainage and flooding in this close. Additional properties will add to this.
- Rights of way
- Additional noise and disturbance from traffic, families, children

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 of this application are:

- The principle of development
- Impact on the conservation area - Character and design/appearance
- Impact on the neighbouring properties (privacy and amenity)
- Highway safety
- Flooding
- Section 106 contributions

Principle of development

6.2 The application site lies within the settlement boundary of the village of Eardisley and as such the principle of residential development is acceptable subject to the meeting the criteria of other relevant policies with the Herefordshire Unitary Development Plan (2007).

Impact on the character and appearance of the conservation area and locality

6.3 The site lies within the Conservation Area and as such the development should seek to either preserve or enhance the area in accordance with policy HBA6 and guidance contained within PPG15. The application site is constrained by way of its size, shape and context in the locality. The surrounding residential area is characterised by the development of bungalows to the west with the large-scale industrial site (Larchlap/Forest Gardens) to the east.

6.4 The introduction of two storey dwellings in such close proximity to the single-storey development would represent a change and this is acknowledged. The proposal has

been altered to reduce the height of the dwellings and to use dormer windows that would provide a transition between the two.

- 6.5 Previously the introduction of a total of four dwellings on this site was considered to be one of the main concerns. In particular the cumulative effect of these, in the context of its surroundings, would have represented a cramped form of development. This was having regard to the two-storey nature of the development and its proximity to the neighbouring properties and agricultural building. The scheme has now been reduced to three dwellings, allowing for the space between the bungalows and new dwellings to provide a buffer and transition as well as allowing the dwellings to sit in reasonable size plots with good private amenity spaces.
- 6.6 The vast hard surfaced areas (albeit the majority of these are existing) are also undesirable within the Conservation Area. This application has interspersed 'planting' and landscaping, which with the reduced number of dwellings will enhance the quality of the area and allow the development to be softened. Having regard to the above, the proposal is now considered to preserve the character and appearance of the Conservation Area in accordance with policies DR1, H13 and HBA6 and of the UDP and respect the character of the locality.

Impact on the neighbouring properties (privacy and amenity)

- 6.7 The impact on the neighbouring properties has also been improved. The bungalows have small rear gardens that are divided from the existing site through a mixture of wire fences and low hedges. The rear aspect of the bungalow would face the gable wall of dwelling 2. The only window in this elevation is a stair window that can be obscure glazed and fixed shut ensuring no overlooking of these bungalows from the dwellings. The distance between the existing bungalow and side elevation of dwelling 2 would be approximately 12m, which would ensure that this is not over-bearing and would not cause loss of light. The existing situation is also that these bungalows are facing a tall and mature conifer hedge which is fairly imposing. The bungalow's gardens do not currently enjoy a high level of privacy due to the nature of the boundary and the new development would not increase this to a level that is unacceptable.
- 6.8 Between the proposed dwelling and the rear boundary of the bungalow, a single storey garage is also proposed. This would be 2.5m to the eaves and 3.7m to the ridge and would be 4.2m from the boundary. This is not considered to be over-bearing and would be of a suitable scale and design.
- 6.9 Dwelling 1, which fronts Forest Road, occupies the same building line as no. 3 Orchard Close. The gable ends of both these dwellings face each other. The potential issue may arise from a loss of privacy to the rear from the first floor windows. The site boundary does benefit from substantial mature hedge which could be retained. On this basis, and having regard to the siting of the dwellings, the proposal is unlikely to cause such loss of amenity to lead to a reason for refusal.

Highway Safety

- 6.10 The proposed dwellings each provide off road parking and garaging sufficient for the size of dwelling, therefore meeting the minimum standards. The over-riding local concern appears to be the fear that these dwellings will create further congestion and parking problems on Orchard Close. In the past the application site was previously owned by Herefordshire Council and was used informally by residents and visitors for parking. This was then sold and the current owner has not fenced the site off and this informal situation has continued. The loss of the land for over-spill parking is therefore

not one that is in the control of the residents and the owner could, at present prevent this if they wished. On this basis, the application cannot be refused on the basis that the parking would be made worse as this is an existing situation that perhaps should be pursued by the Housing Association. Notwithstanding this, the intensification of use of Orchard Close is of more relevance. The Council's Transportation Manager has made no objection on this matter and it is your officers opinion that the additional traffic generated by two dwellings would not be of a level that would be to the detriment of highway safety or would be so significant as to substantiate a reason for refusal.

- 6.11 The Planning and Transportation Manager has raised a number of queries that are being addressed by the applicants agent in the form of amended plans. They are also trying to formally establish that the applicant has a legal right of way along Forest Road (unadopted highway) to their sites to ensure that additional parking burden is not placed on the adopted road networks nearby. A highway contribution has been sought and can be secured through the section 106 agreement to improve local facilities (including pedestrian links). On this basis, the proposal meets the criteria of policy DR3 of the Herefordshire Unitary Development Plan (2007) and the requirements of the Council's Supplementary Planning Document – Planning Obligations.

Flooding / Drainage

- 6.12 The application was accompanied by a Flood Risk Assessment and has been the subject of on-going correspondence with the Environment Agency. Whilst local residents concerns regarding the flooding of the site last summer are noted, the EA has raised no objection as they are satisfied that there is a safe dry pedestrian access and subject to the relevant conditions as above.

Section 106 contributions

- 6.13 The applicant has agreed to pay the financial contributions sought from the varying directorates. This is summarised in the draft Heads of Terms Attached to this document. On this basis the development accords with the requirements of the Council's Supplementary Planning Document – Planning Obligations.

Conclusion

- 6.14 The proposed development of three dwellings has effectively addressed the previous concerns relating to the over-development of the site and their impact on the locality. The dwellings are now considered to be acceptable in their siting and appearance and I am satisfied that these will now have minimum impact on the living conditions currently enjoyed by the surrounding residential dwellings. As such the proposal is now considered to comply with policies DR1, H13 and HBA6 of the Herefordshire Unitary Development Plan (2007).
- 6.15 Local residents raise concern that these dwellings will add to the existing parking and congestion problems in Orchard Close. The dwellings have sufficient parking within their curtilages and the additional traffic movements would not be of such a level that would justify a reason to refuse this application. As such the proposal complies with policy DR3 of the Herefordshire Unitary Development Plan (2007).

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **B02 (Development in accordance with approved plans and materials)**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. **B07 (Section 106 Agreement)**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

4. **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.

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

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the Conservation Area and to comply with the requirements of Policies DR1 and HBA6 of Herefordshire Unitary Development Plan.

6. **F08 (No conversion of garage to habitable accommodation)**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

7. **F14 (Removal of permitted development rights)**

Reason: 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. **F17 (Obscure glazing to windows)**

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

9. 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.

10. 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.

11. H10 (Parking - single house)

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.

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. Finished floor levels of all dwellings shall be set no lower than 73.58m AOD (600mm above the 1% plus climate change (20%) flood level of 72.98m AOD), unless otherwise agreed in writing by the LPA.

Reason: To protect the properties from flood risk for the lifetime of the development.

Informative(s):

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

2. N19 - Avoidance of doubt

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

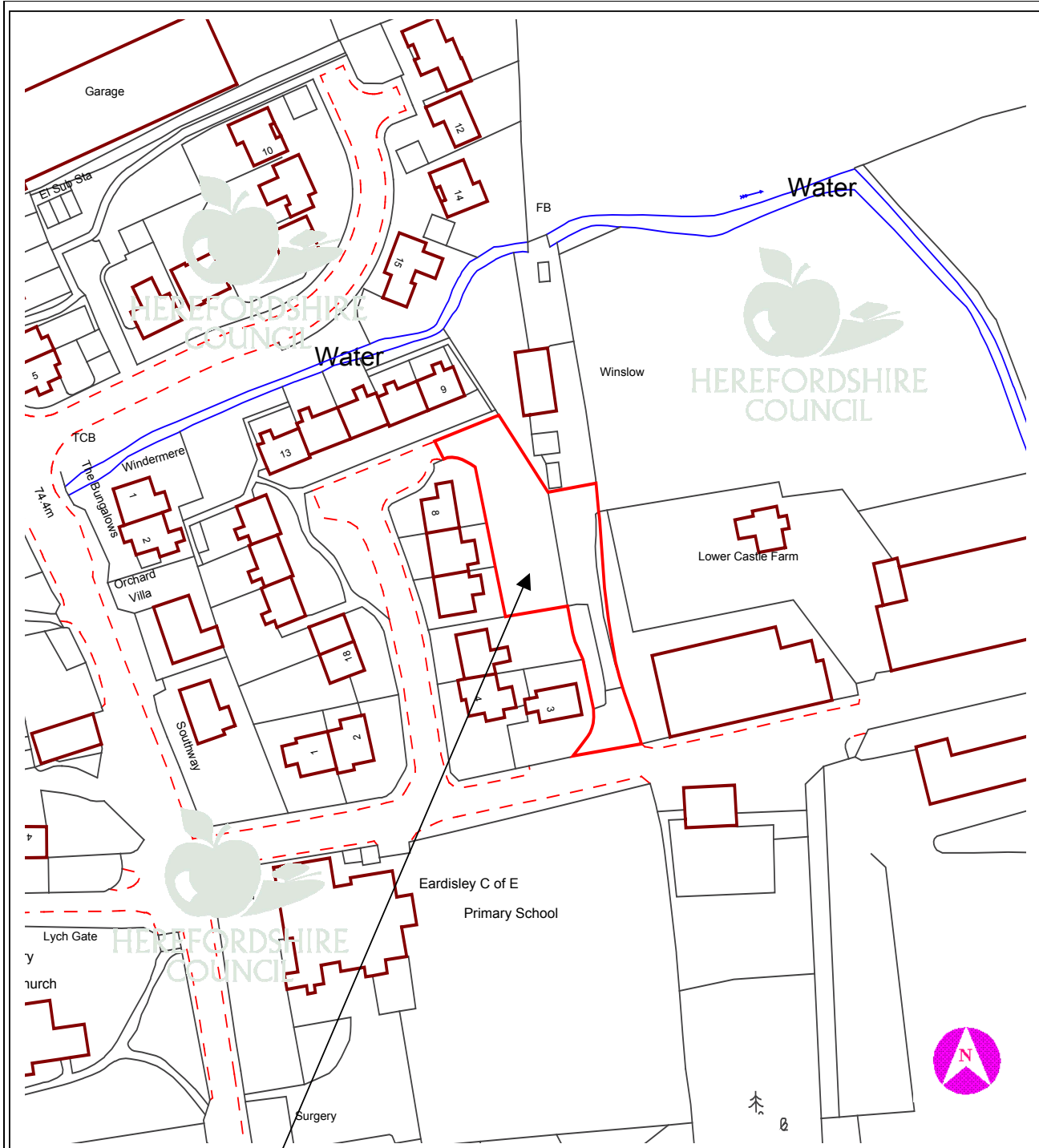
HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW2008/1344/F

Erection of 3 dwellings with associated access and parking
Orchard Close, Eardisley, Herefordshire

1. The developer covenants with Herefordshire Council to pay **£3180.00** towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site to be used in the Eardisley and Kington or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£18,755.00** to provide enhanced educational infrastructure at Eardisley CE Primary School and Lady Hawkins High School.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of **£12,297.00** for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for works and described and justified in the Supplementary Planning Document – Planning Obligations and for local improvements to pedestrian facilities.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£637.00** to provide enhanced library facilities (including mobile library service)
5. In the event that Herefordshire Council does not for any reason use the said contributions in paragraphs 1, 2, 3, 4, and 5 referenced above for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and the administration charge as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.

Kelly Gibbons – 18 June 2008.



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

APPLICATION NO: DCNW2008/1344/F

SCALE: 1: 1250

SITE ADDRESS: Land adjacent to Orchard Close, Eardisley, Hereford, Herefordshire, HR3 6NP

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

8 DCNC2008/1363/F - ERECTION OF NEW HOUSE AND ANCILLARY GARAGE AT CANTILEVER LODGE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG

For: Mr E. Hutton at the above address

Date Received: 21 May 2008
Expiry Date: 16 July 2008

Ward: Hampton Court **Grid Ref: 52009, 56591**

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The site is a vacant plot of land lying within the settlement of Stoke Prior. It is a long, narrow plot, bounded to the north, east and west by dwellings, and to the south by a C class road. The dwellings to either side are substantial in size, one of contemporary design and the other, Grade II listed building, a local vernacular cottage of stone and brick.
- 1.2 A public footpath runs along the western edge of the site and its route runs entirely within the application site, being diverted as part of the original permission.
- 1.3 The proposal is for the erection of a 2-storey timber framed dwelling. The plans show an attached open fronted double car port to the fore of the house, again a traditional design of weatherboarded framing with a tiled roof.
- 1.4 The property is set back into the site and orientated north/south in a similar fashion to Cantilever Lodge lying immediately to the east. Excluding the attached garage, it has a floor area of approximately 120 square metres and a height to its ridge of 7.6 metres.

2. Policies

Herefordshire Unitary Development Plan:

DR1 – Design
 DR5 – Planning obligations
 H6 – Housing in smaller settlements
 H13 – Sustainable residential design
 T6 – Walking

3. Planning History

- 3.1 90/0154 - Construction of a new dwelling and alterations to Cantilever Lodge - Approved 18/02/91.
- 3.2 A letter on this file dated 17th September 1997 confirms that the planning permission has been implemented by virtue of works to create a vehicular access. It is also clear that the alterations approved to Cantilever Lodge (principally the blocking in of a

balcony overlooking the adjacent site) have been completed in accordance with condition 4.

- 3.3 NC2008/0201/F - Erection of a detached house and ancillary garage - Refused 05/03/08 due to concerns about the degree of overlooking that the resultant dwelling would be caused by Cantilever Lodge and also that because of its small scale, the dwelling did not relate well to its surroundings or the plot in which it sits.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Planning and Transportation Manager - No objection subject to conditions and a request for a financial contribution as per the Supplementary Planning Document.
- 4.3 Conservation Manager - No objection subject to conditions.
- 4.4 The Public Rights of Way Manager comments as follows: The proposed erection of a new house and ancillary garage will adversely affect public footpath SP7, which passes as shown on the attached plan. The proposed width of the footpath at 1.2 metres is not acceptable, the PROW Manager cannot accept a width of less than 2 metres.

At present, the proposal appears to conflict with the requirements of UDP Policy T6, and until further information and plans are sent to the PROW Manager for further consultation, the PROW Manager recommends refusal of the application.

I am also concerned that the proposed planting strip of trees and shrubs as a partial screen will frequently overgrow the path without a regular maintenance regime, and also create an undesirable 'tunnel effect' as the trees and shrubs mature. Although this path was diverted onto its present alignment in 2002, a path has run between the two roads in Stoke Prior for over 100 years, and historically the land appears to have been orchard.

As a minimum means of safeguarding the public right of way, I request a condition to the effect that any trees and shrubs are planted a minimum 1.5 metres from the eastern edge of the 2 metre wide path. The fact that existing vegetation currently overgrows and obstructs the west side of the path only serves to emphasise the importance of this point.

The development proposal will require improvement of the existing path, as parts of it are unwalkable at present due to overgrowth and undergrowth, and the proposal implies complete clearance of the site before any work commences. Consequently, the proposal should also demonstrate that the needs of disabled people have been taken into account in the design. At present, the path is accessed from the public road to the south by means of 3 steps. This proposal provides an opportunity to remove these steps and provide a gradient to permit greater access, for example child buggies, and those who find steps difficult.

The development proposal should also include a specification for the type of surface proposed for the footpath. This should take into account the village location, and the need for minimal surface maintenance.

5. Representations

- 5.1 Ford and Stoke Prior Parish Council request that a Section 106 contribution is made and is put towards the creation of a public footpath to serve the village hall. They also comment on the need to ensure adequate drainage arrangements as the area is prone to localised flooding.
- 5.2 One letter of objection has been received from Mr & Mrs Gibson, Church House, Stoke Prior. In summary the points raised are as follows:
1. The new dwelling will overshadow Church House and will greatly effect existing amenity.
 2. The description of Church House in the Design and Access Statement is inaccurate.
 3. The plans do not allow for a 2 metre wide footpath.
- 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 Under current policy considerations, Stoke Prior is identified under Policy H6 of the Unitary Development Plan that seeks to limit the plot size and size of dwelling in smaller settlements. The proposal is in excess of the size limits in terms of its floor area and the plot size. However, the planning history of the site establishes that the original permission has been implemented. This is therefore a material planning consideration in respect of the current proposal.
- 6.2 The site is flanked to either side by dwellings of some considerable size and the approved scheme also proposed a dwelling of a similar scale to them, although not of any particular architectural quality. The current proposal is smaller than the approved scheme but is of a similar form in terms of the position of the dwelling in the plot and the relationship of the garaging to it. Architecturally it represents a significant improvement and is far more reflective of the character of its surroundings.
- 6.3 It is concluded that in terms of its scale and design the proposal represents an improvement over the approved scheme. The extant permission is also a material planning consideration as the correspondence on the original file accepts that planning permission has been implemented. It is the opinion of the case officer that this site is ultimately better suited to a dwelling of greater substance than would otherwise be allowed by Policy H6 and the history is sufficient to warrant a departure from it.
- 6.4 The approved scheme was designed and positioned so as to create a blank elevation facing the windows of Cantilever Lodge that look directly onto the site. This, combined with the alterations made to remove an open balcony from Cantilever Lodge, ensured that there would be limited overlooking of the new dwelling. This current proposal is almost identically positioned to ensure that the new dwelling itself is not overlooked.

- 6.5 With regard to the relationship of the proposal to Church House, the issue is not whether the proposal overlooks the existing property, but vice versa. Three windows face directly onto the application site. One would appear to serve a utility room and is in closest proximity to the proposal, whilst the other two are further away and will look onto the back garden. The objector suggests that windows in the gable end of their property, facing onto the road will be overshadowed and, whilst this may occur to some extent during the early part of the day, it is a situation that would be the same if the approved scheme were to be built out. Therefore it does not offer sufficient justification to refuse this application.
- 6.6 Of the other issues raised, the width of the public footpath and the treatment of the boundary between it and any dwelling could be dealt with by a combination of conditions and notes. The plans have been amended in light of the comments from the Public Rights of Way Manager to ensure that the width of the footpath is a minimum of 2 metres. At the time of writing this report no further comment has been received from the Public Rights of Way Manager but it is considered that the concern raised is addressed.
- 6.7 The location of the bio-disc and soakaways as raised by the Parish Council is justified in light of the localised flooding that is an issue in Stoke Prior. It is apparent however, that the location of a similar system to the rear of the proposed dwelling may cause problems to the neighbouring dwellings and perhaps a more appropriate solution would be to investigate the use of a surface water attenuation system to prevent any additional flooding problems occurring as a result of this proposal. Again this could be dealt with by an appropriately worded condition.
- 6.8 The applicant's agent has indicated that his client is willing to accept the financial contributions required in accordance with the Council's Supplementary Planning Document. A Draft Heads of Terms Agreement is appended to the report detailing this. It is recommended that the completion of a Section 106 Agreement is dealt with as a condition should planning permission be forthcoming. They have also indicated in writing that they are prepared to undertake the improvement works to improve the public footpath as suggested by the Public Rights of Way Manager.
- 6.9 It is therefore concluded that the proposal accords with policy and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. **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

3. **B07 (Section 106 Agreement)**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

4. **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

5. **G09 (Details of Boundary treatments)**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

6. **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.

7. **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.

8. **H01 (Single access - no footway)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

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

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

10. H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11. H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12. H09 (Driveway gradient)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

13. 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.

14. I21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

15. Prior to the commencement of development details of the improvement, re-grading and re-surfacing of the public footpath shall be submitted to and approved in writing by the local planning authority. The improvement works shall be carried out in accordance with the approved details and shall be completed before the dwelling hereby approved is first occupied.

Reason: To ensure that the route of the public footpath is protected and to conform with Policy T6 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. HN01 - Mud on highway**
- 2. HN02 - Public rights of way affected**
- 3. HN04 - Private apparatus within highway**
- 4. HN05 - Works within the highway**
- 5. HN10 - No drainage to discharge to highway**
- 6. HN28 - Highways Design Guide and Specification**
- 7. N15 - Reason(s) for the Grant of Planning Permission**
- 8. N19 - Avoidance of doubt**

Decision:

Notes:

.....

Background Papers

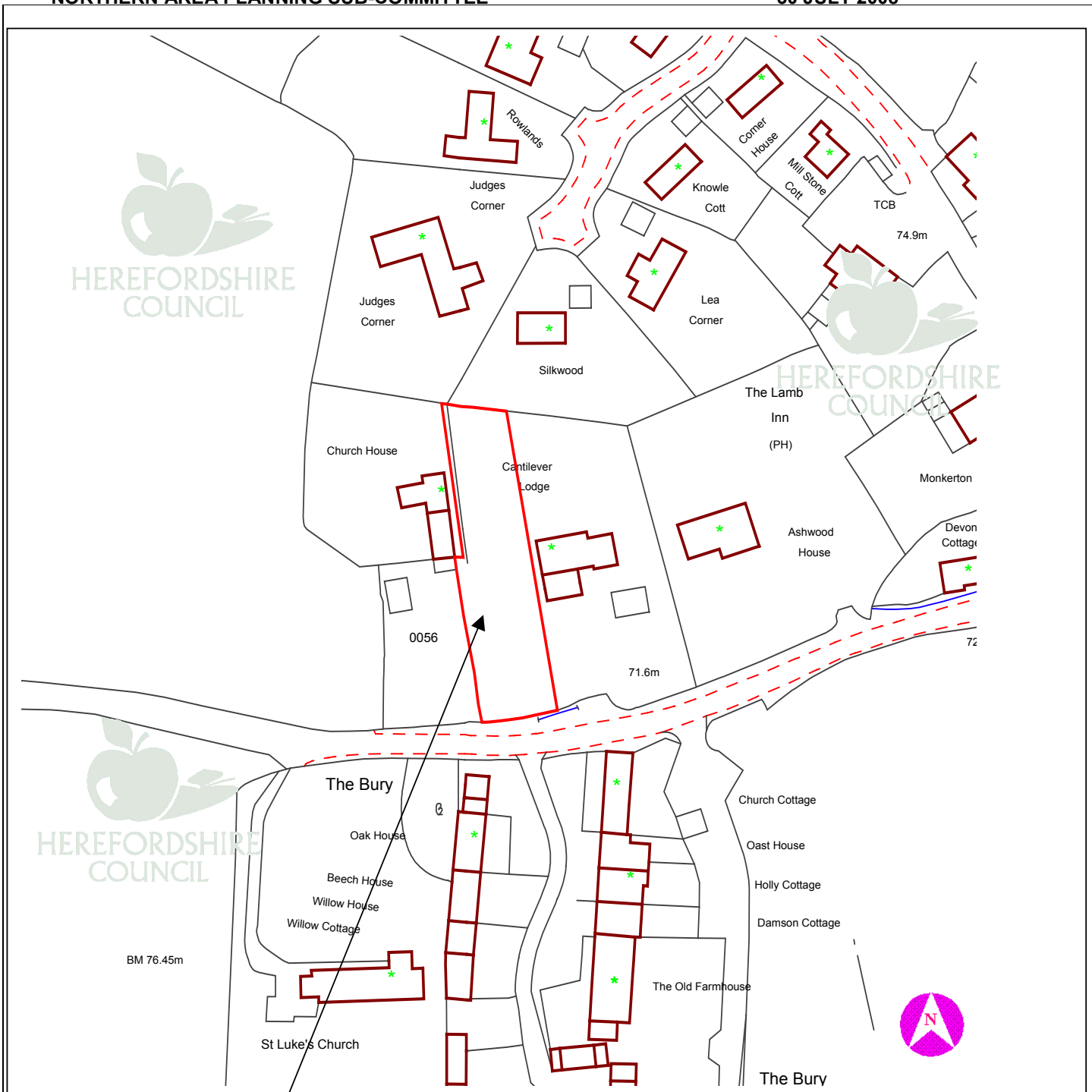
Internal departmental consultation replies.

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

Planning Application DCNC2008/1363/F
Erection of a detached house and ancillary garage on land adjacent to Cantilever Lodge, Stoke Prior,
Leominster, HR6 0LG

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £2,952 for off site highway works and improved public and sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay £317 towards the improvement of semi natural green spaces and recreational rights of way within the locality of the application site. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,932 to provide enhanced educational infrastructure at Stoke Prior Primary School. The sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council To pay Herefordshire Council the sum of £124 as a 2% surcharge fee for the services of a Council Planning Obligation Monitoring Officer. The sum shall be paid on or before the commencement of the development.
5. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2 and 3 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 - a. The sums referred to in paragraphs 1, 2 and 3 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
 - b. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
 - c. The developer shall complete the Agreement by (a date to be agreed) otherwise the application will be registered as deemed refused.

Andrew Banks
Principal Planning Officer
16 July 2008



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

APPLICATION NO: DCNC2008/1363/F

SCALE : 1 : 1250

SITE ADDRESS : Cantilever Lodge, Stoke Prior, Leominster, Herefordshire, HR6 0LG

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

