

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 22nd October, 2008**

Time: **2.00 p.m.**

Place: **The Council Chamber, Brockington, 35
Hafod Road, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Herefordshire Council

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

Councillors LO Barnett, WLS Bowen, 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	1 - 12
To approve and sign the Minutes of the meeting held on 24 September 2008.	
4. ITEM FOR INFORMATION - APPEALS	13 - 16
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	

APPLICATIONS RECEIVED

To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.

Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

Agenda items 5 and 6 are applications deferred for site inspections at the last meeting and items 7 8 and 9 are new applications.

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|------------|--|---------|
| 5. | DCNC2008/1881/F - 22 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ | 17 - 30 |
| | Proposed redevelopment of site with 8 flats | |
| 6. | DCNW2008/1741/F & DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ | 31 - 46 |
| | Proposed conversion into nine apartments, including new stair tower | |
| 7. | DCNE2008/1492/F & DCNE2008/1493/L - 12 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DS | 47 - 60 |
| | Change of use and re-development to provide 2 new 1 bed residential units, 3 no. A1 commercial units and 1 no. A3 unit. | |
| 8. | DCNE2008/0830/N - CODDINGTON COURT SCHOOL, CODDINGTON, LEDBURY, HEREFORDSHIRE, HR8 1JL | 61 - 76 |
| | Proposed development of reed based wetlands sewage solution and car park extension | |
| 9. | DCNW2008/1915/F - LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP | 77 - 90 |
| | Residential development comprising 10 nos. Affordable housing units, car parking, shared access and landscaping | |
| 10. | DATE OF NEXT MEETING | |
| | 19 November 2008 | |

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- 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.
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- 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.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 24 September 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, ME Cooper, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE, R Mills, PM Morgan, A Seldon, RV Stockton and J Stone

48. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JP French, RJ Phillips and JK Swinburne.

49. DECLARATIONS OF INTEREST

9. DCNW2008/1971/F - THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.
Councillor RC Hunt; Personal and Prejudicial.

10. DCNW2008/1741/F AND DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ.
Ricky Clarke; Personal and Prejudicial.

50. MINUTES

RESOLVED: that subject to removing Councillor A Seldon from the list of attendees, the minutes of the meeting held on 27 August 2008 be approved as a correct record and signed by the Chairman.

51. ITEM FOR INFORMATION - APPEALS

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

52. DCNC2008/1950/F AND DCNC2008/1951/C - LAND TO THE REAR OF BARGATES AND OFF WESTFIELD WALK, LEOMINSTER, HEREFORDSHIRE. (AGENDA ITEM 5)

Proposed demolition of garage blocks and erection of 10 houses, parking and improvements to access.

In accordance with the criteria for public speaking, Mr Bland spoke in objection to the application and Mr Wolton, the applicant's agent, spoke in support.

Councillor RC Hunt, the Local Ward Member, said that he supported the demolition of the garage blocks, but expressed some concern over the proposed housing development. He said that the current lack of parking capacity in Westfield Walk would only be exacerbated by the proposed development.

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 24 SEPTEMBER 2008

Councillor TM James asked for clarification on Council policy regarding density of developments within or close to town centres. He asked whether Members were aware of an amendment to the Unitary Development Plan that restricted density to fifty dwellings per hectare. The proposal before the sub-committee was for a density of fifty-eight units.

In response to Councillor James' question, The Northern Area Team Leader said it was up to planning officers to demonstrate the potential harm to the neighbouring community if the density of a development exceeded fifty units per hectare.

To further clarify, the Principle Planning Officer said that this policy was written for sites of one hectare and above so would not apply in this instance.

In response to a question on affordable homes from Councillor LO Barnett, The Northern Area Team Leader said that provision for affordable homes was only a requirement for developments exceeding 15 dwellings. As the proposed development was for 10, no provision would be required.

Several members expressed concern that small-scale developments were not subject to rules regarding provision of affordable homes and requested that steps be taken in order to review the policy.

RESOLVED

In respect of DCNC2008/1950/F

That planning permission be granted subject to the following conditions:

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

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

2. 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. 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 Policy HBA1 and HBA3 of

Herefordshire Unitary Development Plan.

6. D05 (Details of external joinery finishes)

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 Policy HBA1 and HBA3 of Herefordshire Unitary Development Plan.

7. 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.

8. G10 (Landscaping scheme)

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

9. G11 (Landscaping scheme - implementation)

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

10. H13 (Access, turning area and parking)

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

11. H27 (Parking for site operatives)

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

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

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

14. L01 (Foul/surface water drainage)

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

15. L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of

Herefordshire Unitary Development Plan.

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

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

INFORMATIVES

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN01 - Mud on highway**
- 4. HN04 - Private apparatus within highway**
- 5. HN05 - Works within the highway**
- 6. HN10 - No drainage to discharge to highway**
- 7. HN16 - Sky glow**
- 8. HN28 - Highways Design Guide and Specification**

In respect of DCNC2008/1951/C

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.

INFORMATIVES

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN01 - Mud on highway**
- 4. HN04 - Private apparatus within highway**
- 5. HN05 - Works within the highway**
- 6. HN10 - No drainage to discharge to highway**
- 7. HN16 - Sky glow**
- 8. HN28 - Highways Design Guide and Specification**

- 53. DCNC2008/1881/F - 22 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ. (AGENDA ITEM 6)**

Proposed redevelopment of site with 8 flats.

The Senior Planning Officer reported the receipt of a letter from the applicant's agent enclosing drawings showing the two side elevations which had not been originally submitted with the application i.e. the south west elevation of the proposed block of 6 flats and the north east elevation of the block of two flats.

He stated that the drawings were considered to be of an acceptable standard and satisfied the requirements of condition 5 of the planning permission decision set out in the recommendation. This meant that condition five could be removed from the recommendation.

In accordance with the criteria for public speaking Mr. Cronin spoke on behalf of Bromyard Town Council.

Councillor A Seldon, one of the Local Ward Members, said he was pleased to note that the applicant had addressed the matters of concern raised when the application was heard previously by the sub-committee. He went on to note that following the recent heavy rain, a large amount of sewage had escaped into the River Frome which took a significant amount of time and resources to clean up. He said that the heavy rain had led to the sewage treatment facilities of Bromyard being overloaded and that a further 8 dwellings would only add to the problems. Councillor Seldon asked that the decision on the application be deferred until the drainage situation had been addressed by Welsh Water.

Responding to a matter raised by Councillor Seldon, The Northern Area Team Leader said that the area in question had a combined rainwater and foul water drainage system. Welsh Water did not object to the proposed development because there was provision in the plans for rainwater drainage to be diverted away from the mains drainage. This would in theory prevent the mains drainage system from becoming overloaded. All future applications in the area would have to make provision for rainwater drainage to be channelled away from the mains system.

Councillor Seldon responded by questioning the robustness of the current drainage arrangements, as flooding of foul water has been a frequent occurrence during periods of heavy rainfall. Councillor Seldon moved that the application be deferred until a definitive answer had been received from Welsh Water regarding the drainage arrangements of the area.

Councillor B Hunt, the other Local Ward Member, said that the water drainage situation in Bromyard was very delicately balanced and the answers received from Welsh Water to date had not addressed his concerns. He said that until the water drainage situation had been improved, he would find it very difficult to support any future planning applications in the Bromyard area.

In response to a question, The Legal Practice Manager advised that there was a rarely used power that a local authority could bring legal action against a water company on behalf of a group of residents. He added that it was more common for consumers to bring action against water companies and that if an authority was unsuccessful in its action, costs would need to be paid to the water company.

Members generally agreed that the current arrangements for water drainage were unacceptable in the town and voted to defer the application until the situation had been addressed.

RESOLVED: that consideration of the application be deferred in order to clarify the current position with Welsh Water with regard to water drainage in

Bromyard.

54. **DCNE2008/1738/F AND DCNE2008/1739/L - HOMESTEAD, MOOREND CROSS, MATHON, MALVERN, HEREFORDSHIRE, WR13 5PR. (AGENDA ITEM 7)**

Proposed entrance and conservatory, removal of existing outbuildings, rebuild new garage.

The Senior Planning Officer informed the sub-committee of a typographical error in proposed condition 4 on page 42 of the agenda (F08 – no conversion of garage to habitable accommodation) and stated it should read ‘In order to safeguard against the introduction of a new residential unit in an open countryside, in an unsustainable location, contrary to Herefordshire Unitary Development Plan policy H7.

In accordance with the criteria for public speaking, Mr Cleaver, the applicant’s agent, had registered to speak but chose not to.

In response to a question from the Local Ward Member, the Senior Planning Officer advised that the Parish Council’s objections were received for an older application. Since the letter of objection, the applicant had decreased the proposed height of the garage so that there was now no loss of hedgerow.

RESOLVED

In respect of DCNE2008/1738/F:

That planning permission be granted subject to the following conditions:

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

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

2. **Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:**

- **Timber boarding**
- **Roof tiles**
- **Joinery details**
- **Rainwater goods**

The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.

Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the Grade II listed building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1, H18 and HBA1.

3. **F07 (Domestic use only of garage)**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire

Unitary Development Plan.

4. 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.

5. 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.

6. 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.

7. The buildings to be removed, as per plan titled 'Replacement garage/ ext works', scale 1:100 and 1:500, received 8th August 2008, shall all be removed from the site within 3 months of the completion of the garage block or the first use of the garage block, whichever is the sooner.

Reason: To protect the character and setting of the Grade II Listed Building and open countryside setting in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H7 and HBA1.

Informatives

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

2. N19 - Avoidance of doubt - Approved Plans

In respect of DCNE2008/1739/L:

That listed building consent be granted subject to the following conditions:

1. D01 (Time limit for commencement (listed building consent))

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

2. Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:

- Timber boarding**
- Roof tiles**
- Joinery details**
- Rainwater goods**

The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.

Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the Grade II listed building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1, H18 and HBA1.

3. **The buildings to be removed, as per plan titled 'Replacement garage/ext works', scale 1:100 and 1:500, received 8th August 2008, shall all be removed from the site within 3 months of the completion of the garage block or the first use of the garage block, whichever is the sooner.**

Reason: To protect the character and setting of the Grade II Listed Building and open countryside setting in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H7 and HBA1.

Informatives

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

55. DCNW2008/1807/F - LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ. (AGENDA ITEM 8)

Retrospective application for change of use (temporary) of land from agricultural to a one family travellers' site including the stationing of one caravan and ancillary structure.

The Northern Team Leader reported the receipt of 6 further letters of objection and gave a summary of their content in the updates sheet:

In accordance with the criteria for public speaking, Mr Bailey spoke in objection to the application and Mr Baines, the applicant's agent, spoke in support.

The Legal Practice Manager drew Members' attention to a previous enforcement appeal for the site that was dismissed. He said that Members of the sub-committee should consider today's application on its merits and not be unduly influenced by the appeal.

Councillor LO Barnett, the Local Ward member, said that the application would have been rejected if it were for a house and questioned the validity of the policy allowing the siting of caravans in the open countryside. She said that the police were called to a party at the site over the weekend and that local residents were concerned that this may happen in the future. Councillor Barnett added that the site in question benefited from one of the best views in Wigmore and that the character of the area would be detrimentally affected.

The Northern Team Leader said that there was currently a shortfall of pitches for travellers within Herefordshire of some 83. He said current policy meant that the officer's recommendation was to allow planning permission for the travellers' caravans.

RESOLVED

- (i) **The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- **The development would be out of character for the area and be detrimental to the views of the village**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

[Note: Subsequent to the vote, the Northern Team Leader said that he would refer the application to the Head of Planning Services.]

56. DCNW2008/1971/F - THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB. (AGENDA ITEM 9)

Proposed new cottage and detached garage.

In accordance with the criteria for public speaking Mrs Wheeler, representing Dr Barnes and Dr Jeffrey, spoke in objection to the application.

Councillor JHR Goodwin, the Local Ward Member, said that this application was very similar to a previously rejected application on the site. He felt that the proposed development was very close to the neighbouring property and that it was not in keeping with the surrounding area.

Members were generally in agreement that the development was out of character for the village and would lead to overcrowding in a quiet picturesque village.

RESOLVED

- (i) **The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- **Contrary to Policy DR1 of the Unitary Development Plan**
 - **Contrary to Policy H6 of the Unitary Development Plan**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to reasons for refusal referred to above.**

[Note: Subsequent to the vote, the Northern Team Leader said that he would not refer the application to the Head of Planning Services.]

57. DCNW2008/1741/F AND DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ (AGENDA ITEM 10)

Proposed conversion into nine apartments, including new stair tower

The Senior Planning Officer reported the following:

- Comment had been received from the Council's Public Rights of Way Manager stating that the adjacent footpath, alongside the western side of the application site was a public footpath. (ZE27). The letter stated that the proposed development did not impact on the use and enjoyment of the public footpath itself apart from when people temporarily attempt to manoeuvre furniture through the proposed gate into the site. Access for emergency is outside of the Council's Public Rights of Way remit.
- The Council's Transportation Manager had also forwarded additional information in consideration of access concerns raised. The response stated that footpath number ZE27 was well over 2.0 metres wide, apart from a pinch point near the northern end of the chapel, which measured from the map as 1.75 metres. Harp Yard was adopted. The proposed development was considered acceptable and had the support of the Council's Transportation Manager.
- The Council's Conservation Manager had commented further, stating that demolition of walls on site could not be done without listed building consent. The response stated that the application preserved a building at risk. It did not destroy any interior features, as these were already lost. Proposed openings were generally in existing openings or governed by the pattern of openings on the elevations.
- The only internal historic feature was a ceiling rose which was subject to a condition to be preserved.
- Additional information had also been received from the Council's Property Services Manager stating that the site was an expensive site to develop and that some form of use for the site was to be welcomed, as it had remained empty for a long time.
- A letter of comment had also been received from Mr. D. A. Clarke raising concerns about the proposed roof structure and the possibility of a high level of asbestos within the roof space.
- The Senior Planning Officer commented that this was a very difficult and constrained site with a building generally in poor condition. Some sensible compromises were acceptable in getting use of the building, which had a history of compulsory purchase by the Council owing to its poor condition given the fact it was a listed building at risk. This development proposal may well be the building's last chance.
- The Council's Conservation Team and Officer's of the Authority had resisted proposals to accommodate residential accommodation in the roof space. The issue as raised by Mr. Clarke was an issue for the Council's Environmental Health Team from which advice with regards to its removal must be obtained under the Control of Asbestos Regulations 2006. It was therefore recommended that a note be attached to any subsequent approval notice

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issued reminding the developers of their obligations should members be mindful to approve the application.

In accordance with the criteria for public speaking, Mr Rippon spoke on behalf of Kington Town Council, Dr Fforde spoke in objection to the application and Mr Hard, the applicant's agent, spoke in support.

The Local Ward Member, Councillor TM James commented that there appeared to have been very little public consultation over the proposed development. He added that the site had significant architectural value and felt that Members would benefit from a site inspection.

RESOLVED

- (i) **That consideration of the application be deferred for a site inspection for the following reasons:**
- **the character or appearance of the development itself is a fundamental planning consideration;**
 - **a judgement is required on visual impact;**
 - **the setting and surroundings are fundamental to the determination or to the conditions being considered.**
- (ii) **That further community consultation takes place before the application is considered**

58. DATE OF NEXT MEETING

22 October 2008

The meeting ended at 3.55 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNC2008/0615/F**

- The appeal was received on 25 September 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 V. Price
- The site is located at Cider Mill Farm, Bringsty, Worcester, Herefordshire, WR6 5UW
- The development proposed is Proposed siting of mobile home for agricultural worker.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

APPEALS DETERMINED**Application No. DCNE2008/0817/O**

- The appeal was received on 5 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs J. Griffiths
- The site is located at 3 Bridge Street, Ledbury, Herefordshire, HR8 2AJ
- The application, dated 14 March 2008, was refused on 14 May 2008
- The development proposed was Site for the erection of one dwelling.
- The main issues are: the impact of the proposal on highway safety; and the impact of the proposal on the amenities of occupiers of No. 3 and the proposed dwelling.

Decision: The appeal was **DISMISSED** on 7 October 2008

Case Officer: Carl Brace on 01432 261975

Application No. DCNW2007/3301/F

- The appeal was received on 17 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr P Colley-Davies
- The site is located at Winforton Wood, Winforton, Herefordshire. HR3 6EB.
- The application, dated 17 October 2007, was refused on 7 December 2007
- The development proposed was Change of use to allow camp site for ecotourism projects and educational purposes.
- The main issues are the impact of the proposal on highway safety; the impact of the proposal on the integrity of Winforton Wood; and whether the appeal sit constitutes a sustainable location for the development proposed

Decision: The appeal was **DISMISSED** on 7 October 2008

Case Officer: Rebecca Jenman on 01432 261970

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

Application No. DCNE2007/2083/F

- The appeal was received on 13 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 Mr Birch
- The site is located at 50 Lower Road, Ledbury, Herefordshire, HR8 2DH
- The application, dated 31 May 2007, was refused on 16 August 2007
- The development proposed was Proposed one bedroom bungalow.
- The main issues are the effect of the proposed bungalow on the local townscape; the level of privacy that the occupants of this bungalow would experience; its effect on highway safety and convenience; and whether its implications in terms of flood risk have been fully explored.

Decision: The appeal was **DISMISSED** on 22 September 2008

Case Officer: Carl Brace on 01432 261795

Application No. DCNW2008/0121/F

- The appeal was received on 21 May 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Howell
- The site is located at The Old Chapel, Tipton Lane, Leintwardine, Craven Arms, Herefordshire, SY7 0LN
- The application, dated 10 January 2008, was refused on 3 March 2008
- The development proposed was Rear extension and sustainability upgrade.
- The main issue is whether the proposed extension would preserve the special architectural and historic interest and setting of the grade II listed former chapel

Decision: The appeal was **DISMISSED** on 2 September 2008

Case Officer: Phillip Mullineux on 01432 261808

Application No. DCNW2008/0120/L

- The appeal was received on 21 May 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 Howell
- The site is located at The Old Chapel, Tipton Lane, Leintwardine, Craven Arms, Herefordshire, SY7 0LN
- The application, dated 10 January 2008, was refused on 28 February 2008
- The development proposed was Rear extension and sustainability upgrade.
- The main issue is whether the proposed extension would preserve the special architectural and historic interest and setting of the grade II listed former chapel

Decision: The appeal was **DISMISSED** on 2 September 2008

Case Officer: Phillip Mullineux on 01432 261808

Enforcement Notice EN2007/0067/ZZ

- The appeal was received on 17 December 2007
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Lort
- The site is located at Hay Furlongs, Middleton-on-the-Hill, Ludlow, SY8 4BD
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of paddock / agricultural land to a use for the storage of equipment in connection with owners business, together with associated operational development in the form of an area of hardstanding.
- The requirements of the notice are:
 - i) *Permanently cease the use of the land coloured green on the attached plan for the storage of plant and vehicles and associated equipment.*
 - ii) *Permanently remove the hardstanding from the land coloured green on the attached plan and restore the land to its former condition as paddock / agricultural land by re-seeding it with grass.*
 - iii) *Reinstate the original boundary line at the location marked 'x' on the attached plan by planting a hedge of native species.*
- The main issues are the sustainability of this location in countryside some way removed from sizeable settlements; the implications of the development for the area's landscape and the rural environment; and the effects upon highway safety for users of the network of local roads and lanes around the site by the use of commercial vehicles in association with the Appellants hire business.

Decision: The appeal was **ALLOWED - quash the notice and grant planning permission subject to conditions** on 21 August 2008

Case Officer: Andrew Banks on 01432 383085

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

5 DCNC2008/1881/F - PROPOSED REDEVELOPMENT OF SITE WITH 8 FLATS. 22 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ

For: Mr J Nunnerley per Mr G Mathers, Park House, Thirlestaine Road, Cheltenham, Gloucester GL53 7AS

Date Received: 18 July 2008

Ward: Bromyard

Grid Ref: 65261, 54730

Expiry Date: 12 September 2008

Local Members: Councillors B Hunt and A Seldon

Introduction

This application was deferred at the meeting held on 24 September 2008 in order for Welsh Water to be contacted by officers for clarification on exactly what work is intended to be undertaken by Welsh Water to improve the public sewerage system in Bromyard and when this work will be done. A formal response to this enquiry has been received from Welsh Water and has been incorporated within this report.

In addition, as verbally reported at the previous sub-committee meeting, the applicant's agent has submitted two side elevational drawings which had not been originally submitted. These drawings are considered to be acceptable and satisfy the requirements of condition No 5 on the original recommendation, which required these elevations to be submitted. As such the original condition 5 on the recommendation has now been deleted. The report below has been updated accordingly.

1. Site Description and Proposal

1.1 This site is located in a predominantly residential area near to the town centre of Bromyard. The site itself extends from Old Road right through to Ballhurst Road with vehicular access onto both roads. The site, currently vacant, was originally used for industrial purposes but was last used as a children's nursery. There is an existing modern building at the southern end of the site with a yard area to the north. The building is a mixture of brick, concrete block and metal side cladding on the walls with corrugated sheeting on the roof. The building itself is within the designated Conservation Area whilst the yard area at the rear is outside the Conservation Area. There are existing dwellings on either side of the site i.e. fronting onto both Old Road and Ballhurst Road.

1.2 The proposal is to demolish the existing building and erect a three-storey block of six flats at the northern end of the site and a two-storey block of two flat as the southern end. There will be car and cycle parking provided within the site for both sets of flats and the utilisation of the existing vehicular accesses onto both roads to serve the new development. The new external walling will be red brick with plain clay tiles on the roof.

2. Policies

2.1 Planning Policy Guidance:-

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG15 - Planning and the Historic Environment

Herefordshire Unitary Development Plan:-

- Policy S2 - Development Requirements
- Policy DR1 - Design
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR5 - Planning Obligations
- Policy H1 - Hereford and the market towns:
Settlement Boundaries and Established Residential Areas
- Policy H13 - Sustainable Residential Design
- Policy H14 - Re-using Previously Developed Land
- Policy H15 - Density
- Policy H16 - Car Parking
- Policy CF6 - Retention of Existing Facilities
- Policy HBA6 - New Development within Conservation Areas
- Policy HBA7 - Demolition of Unlisted Buildings within Conservation Areas
- Policy E5 - Safeguarding Employment Land of Buildings
- Policy T11 - Parking Provision
- Policy CF2 - Foul Drainage

Herefordshire Council Supplementary Planning Conditions:-

- Design and Development Requirements
- Planning Obligations – Supplementary Planning Document

3. Planning History

- 3.1 DCNC2007/1572/F - Demolition of existing industrial building and redevelopment of site with 2 semi detached houses, 10 flats and parking areas. Refused Planning Permission 20/07/07 subsequent appeal (APP/W1850/A/07/2058/440/NWF) Dismissed 25/04/08.

DCNC2007/1573/C - Demolition of existing industrial building. Conservation Area Consent granted 19/07/07.

4. Consultation Summary

Statutory Consultations

Welsh Water has no objections but recommends certain conditions be imposed on any planning permission granted.

In addition, following re-consultation, Welsh Water have also stated the following:-

Welsh Water are able to confirm that there are no improvements work planned for Bromyard within our current investment period (2005–2010).

Unfortunately, there are a number of homes within Bromyard, which currently suffer from serious external flooding to their gardens, due to hydraulic overloading of the

public sewerage network. We have therefore requested as part of our next improvement period (2010–2015), that Ofwat consider a flood prevention scheme in this area. I am unable to provide details of this scheme at the moment, as the final determination is unlikely to be known until late 2009.

The sewerage pumping station located at Petty Bridge is also at capacity and unable to cope with any additional flows at the present time.

Internal Consultations

4.2. The Council's Conservation Officer objects to the proposal. The principle of residential development on this site is welcomed on conservation grounds however there are concerns over the layout of the site. The use of such a large area of the Old Road frontage for car parking is not acceptable. Ideally there should be a continuous building line along the front of the plot with vehicular access from the rear although a single car width access point may be acceptable. The design of the Old Road frontage is broadly acceptable subject to some amendments. The building should be angled to follow the building line. The windows need to be traditional in design and suggests certain design features be incorporated. Chimneys would help the expanse of the roof and would fit better with the street scene. Although not particularly inspired the design of the larger block of flats sit fairly unobtrusively and will not affect the character or appearance of the Conservation Area.

4.3 The Council's Traffic Manager recommends certain conditions relating to a vehicular access and parking provision be imposed on any Planning Permission granted. In addition has recommended the follow with respect to Section 106 Financial Contributions:-

Medium accessibility, 6x 2-bed + 2x 1-bed gives 14099. Justification as per SPD.
Schemes to include, but not be limited to:
Improvements to pedestrian, cycle and public transport facilities within Bromyard.
Improvements to Safe Routes to Schools;
Support for Community Transport;
Support for Sustainable Transport Officers;
S106 sum requested £14099.

4.4 The Principal Leisure and Countryside Recreation Officer recommends the following with respect to the required Section 106 Financial Contributions:-

Open Space contributions

Using the SPD on Planning Obligations, the threshold of 1-10 dwellings requires "appropriate levels of open space on a pro rata basis". For 6 x 2 and 2 x 1 bedroom dwellings this equated to £1,796 as per figure 10 in the SPD.

In Bromyard it is more appropriate to use this contribution towards improving quality/accessibility (in response to PPG17's recommendations) of the more formal green space in the vicinity of the development. Priorities for spend will be identified through local consultation and in particular with the Town Council who are considering local priorities for improvements. Give the amount it is envisaged it may be "pooled" with other contributions if appropriate.

A sport England contribution is also required on all dwellings as per the SPD. It is based on Sport England's facilities calculator module and equates to £3,795 based on

the increased population of 13. These contributions are required as a result of increased demand for community sport facilities created by new developments and increased population.

We would potentially use it toward improving facilities within Bromyard in consultation with local clubs and stakeholders using the Sport England Facilities Planning methodology and evidence from PPG17 assessment. Given the amount this too may be "pooled". This is supported by Sport England's Facilities Planning Model methodology, which identifies a "hierarchy" of provision based on the location of sports facilities being dependent on a critical mass of population. Within the County this includes the market towns and their catchment areas, which are based on a 20 minutes off peak drive time.

- 4.5 The Children's and Young People's Directorate recommends, the following with respect to the required Section 106 Financial Contributions:-

The educational facilities provided for this development site are Bromyard Early Years, St. Peter's Primary School, Queen Elizabeth Humanities College and Bromyard Youth Service.

The Childcare Sufficiency Assessment highlights that 6% of parents are unable to seek work and 19% unable to take a better job due to childcare issues. Early mornings and evening were highlighted as gaps in childcare as is shift pattern timing.

St. Peters Primary School has a planned admission number of 30. As at the Summer Census 2008 the school has 1-year group at capacity (Year 4) and 2-year groups over capacity (Year 1 - 32 and Year 2 - 31).

Queen Elizabeth Humanities College has a planned admission number 100. As at the Summer Census 2008 the school has space capacity in all year groups.

Within Bromyard the library/info centre is used as a 'youth centre', however, this only provides a basic service. Bromyard Youth Service would like to expand its youth facilities to encourage more youth to attend.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young Peoples 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, where as section 3.5.6 or the SPD stated 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 Pencombe CE Primary 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 that would go towards the inclusion of all additional children generated by this development. The Children and Young People contribution for this development would be as follows:

6 x 2 bed apartments

Early Years element £774

Primary element	£6,504
Secondary element	£0
Post 16 element	£522
Youth element	£2,880
SEN element	£174
 Total:	 £10,854

Although there is currently surplus capacity with the catchment secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of this contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

5. Representations

5.1 The applicant's agent states that the site contains an industrial building originally constructed as a glove factory and more recently converted to use as a day nursery. The nursery school has since been relocated at a local school in the town. The frontage on Old Road was no doubt originally occupied by one or more houses. The present parking area to the rear onto Ballhurst Road provides a convenient entry for the proposed new flat development. The existing building has little in common with the surrounding houses however the proposed development will reflect the standards of the surrounding development.

5.2 The Town Council states:-

My Town Councils Planning Committee resolved not to support this application. It is felt that;

- 1) This proposal is not appropriate for its location, being an over development of the site.
- 2) The proposed parking area to the front of the proposed development appears to have insufficient turning and manoeuvring space to ensure that vehicles may enter and leave in a forward gear and would therefore not be in the interests of highway safety.
- 3) The planned development does not enhance the street scene

5.3 There has been one letter of representation received from Mrs S. D. Stephenson, Bridle Cottage, 20 Old Road, Bromyard, HR7 4BQ. The main points being:-

No objection in principle but would like to safeguard own property as there is no discernable gap on the plans with proposed new building.

The paving slabs at side of house cover the mains water pipe must not be affected and that access to the pipe and writers wooden gable end will remain available.

The old wall, which joins the outside of writers kitchen must not be disturbed during the excavation of the site as it is banked up with earth along its 7ft length.

There has also been a letter of objection received from C. C. Busby, (for and on behalf of the Executors of Mrs C. Busby), 24 Old Road, Bromyard, HR7 4BQ. The main points being:-

In general find the proposed development on the Old Road frontage acceptable.

However would raise an objection that the car parking surfaces have not recognised that there is a rights of way from writers side door under which some services of the house have been laid.

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 relate to:-

- The principle of erecting the proposed new development on the site.
- The size and design of the development and its affect on the Conservation Area.
- The effect on the residential amenities of adjacent property owners.
- Vehicular access and parking arrangements.

6.2 This site is designated in the Herefordshire Unitary Development Plan as an 'established residential area' where in principle new residential development is acceptable. The site is nearly completely surrounded by existing residential development and as such new residential development would be appropriate on this site. The existing building on site has no architectural merit and the rear section is becoming a bit of an eyesore, Conservation Area consent (Ref No DCNC2007/1573/C) was granted in July 2007 for the demolition of the existing building on site.

6.3 The proposed size, position/siting and design of both blocks of flats are considered to be acceptable and in keeping with visual appearance and character of the surrounding area and also the designated Conservation Area. The three-storey block of flats at the rear has the top floor incorporated within the roof, which has helped visually to reduce the overall height of the proposal. This current proposal is a significant improvement on the previous scheme on the site i.e. for two dwelling on the Old Road frontage and three-storey block of 10 flats (Ref NO DCNC2007/1572/F) which was refused in July 2007 and then subsequently dismissed on Appeal by the Planning Inspectorate. The block of flats proposed at the rear of the site in the previous scheme was far too big for the site and also adversely affected the residential amenities of the occupants of the adjacent dwellings. The large block of flats in the current scheme addresses all the objections to the previous scheme and is now considered acceptable.

6.4 Similarly the two new dwellings on the Old Road frontage in the previous scheme extended across the whole of the frontage between the two existing dwellings except for a gap of 1.3 metres on the south western side. This proposal was considered to be unacceptable as it resulted in the significant loss of residential amenity to the occupiers of the adjacent dwelling, due to the fact that there were two windows on the side wall of that dwelling which were affected by the proposed new development which also had windows looking directly into these two existing windows. The revised proposal in this current application has the building set back from the existing dwelling and has no windows proposed on any of the side walls. Again this is considered to be a significant improvement on the previous scheme and is now considered to be acceptable.

6.5 For these reasons the Council's Conservation Officer's preference for the building to extend across the whole of the Old Road frontage is not an acceptable option. The construction of the flats on the Old Road frontage, as proposed, is considered to be a better option than leaving the existing building as it is, from the point of view of the visual amenity and character of the Conservation Area. In addition, the altering of the angle of the proposed building on the Old Road frontage, as suggested by the Council's

Conservation Officer, is not considered to be essential with respect to protecting the visual appearance and character of the Conservation Area. The current proposal has the building in line with the existing dwelling to the north east and is considered to be acceptable and, in itself, does not warrant refusal of planning permission.

- 6.6 The neighbours in the two dwellings on either side of the Old Road frontage has raised various issues relating to gaining access to the side of their properties. However these are civil issues and not planning matters as such. The neighbours to the north east (No 20) also have concerns with respect to the protection of an existing kitchen ground floor wall at the rear. The agent has designed the development in order to try and overcome any problems. However if problems do occur during building work then minor alternations to the design or structure may need to be introduced and agreed by the local Planning Authority. However as stated above, essentially this is a civil matter between the developer and the neighbour.
- 6.7 The proposed parking and vehicular access arrangements are considered to be acceptable and appropriate for its town centre location.
- 6.8 The proposed development is therefore considered to be acceptable and in accordance with the relevant planning policies and guidance. In particular policies S2, DR1, H1, H13, H14, H16 and HBA6 of the Herefordshire Unitary Development Plan.
- 6.9 Various financial contributions will be required to be paid towards local facilities with respect to this proposed development in accordance with the Section 106 'Draft Heads of Terms' set out at the end of this report.

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 B07 (Section 106 Agreement)

The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement will provide for financial contributions to be paid to the local planning authority in accordance with the Heads of Terms approved at Northern Area Planning Sub Committee on 24th September 2008, as follows; -

- a -£1,796 towards improvements to public open space area in Bromyard**
- b - £3,795 towards improvements to sports facilities in Bromyard**
- c - £10,854 towards education improvements in Bromyard**
- d - £14,099 towards highways/transportation facilities in Bromyard**
- e - £1,116 towards library services in Bromyard**
- f - £630 for the services of a Council Planning Obligations Monitoring Officer.**

Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities, improved play space, sports facilities and library services in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

3 C01 (Samples of external materials)

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

4 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.

5 Before any work commences on site full details of all ground surface treatments shall first be submitted to and be subject to the prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

6 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.

7 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

8 H09 (Driveway gradient)

Reason: In the interests of highway safety 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 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

11 Prior to the occupation of any of the dwelling units hereby approved, the existing vehicular access onto Ballhurst Road at the north west corner of the site shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and be subject to the prior written approval

of the Local Planning Authority prior to the commencement of any work on the development hereby approved.

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

- 12** No development shall commence until a scheme has been submitted and approved by the Local Planning Authority to show the removal of surface water connections to the public sewerage system at the existing site, and the provision of a replacement surface water drainage system. The scheme as approved shall be fully implemented before any works commence on the new development subject to this application, and the scheme shall be maintained in accordance with the specification.

Reason: To ensure the proposed development does not cause hydraulic overloading to the public sewerage system at this location to protect the amenities of existing residents and to prevent pollution and to comply with Policy CF2 of the Herefordshire Unitary Development Plan.

- 13** L01 (Foul/surface water drainage)

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

- 14** L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

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

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

- 16** Unless otherwise first agreed in writing by the Local Planning Authority the windows on the block of 2 flats shall be traditionally painted symmetrical casements with the lights fitting flush with the frames and without a projecting timber sub sill. The windows need to be set back at least one brick course depth.

Reason: To protect the visual appearance and character of the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1** N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2** N03 - Adjoining property rights
- 3** N14 – Party Wall Act

- 4 The applicant should be aware that this planning permission does not over ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicant is advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.
- 5 HN01 - Mud on highway
- 6 HN04 - Private apparatus within highway
- 7 HN05 - Works within the highway
- 8 HN10 – No drainage to discharge to highway
- 9 HN22 - Works adjoining highway
- 10 HN28 - Highways Design Guide and Specification
- 11 W01 – Welsh Water Connection to PSS
- 12 N19 Avoidance of doubt - Approved Plans

Decision:

Notes:
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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990Planning Application – DCNC2008 / 1881 / F
(Re-development of site by erection of 8 flats at 22 Old Road, Bromyard)

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 £1796 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality / accessibility of the more formal green spaces in Bromyard. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3795 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities within Bromyard. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10854 to provide education improvements to Bromyard Early Years, St.Peters Primary School, Bromyard Youth Service and also special educational needs provision. This sum shall be paid on or before the commencement of development.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £14099 to provide sustainable transport measures in Bromyard. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

Pedestrian access improvements near the development and within Bromyard.

Improvements to bus provision/passenger waiting facilities.

Improvements to safe routes to local schools etc.

Contribution to safe routes to schools.

e) Improvements to roadways and car parking in Bromyard.

f) Improvements to cycle facilities and parking in Bromyard.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1116 to provide for library services in Bromyard. The sum shall be paid on or before the commencement of development.

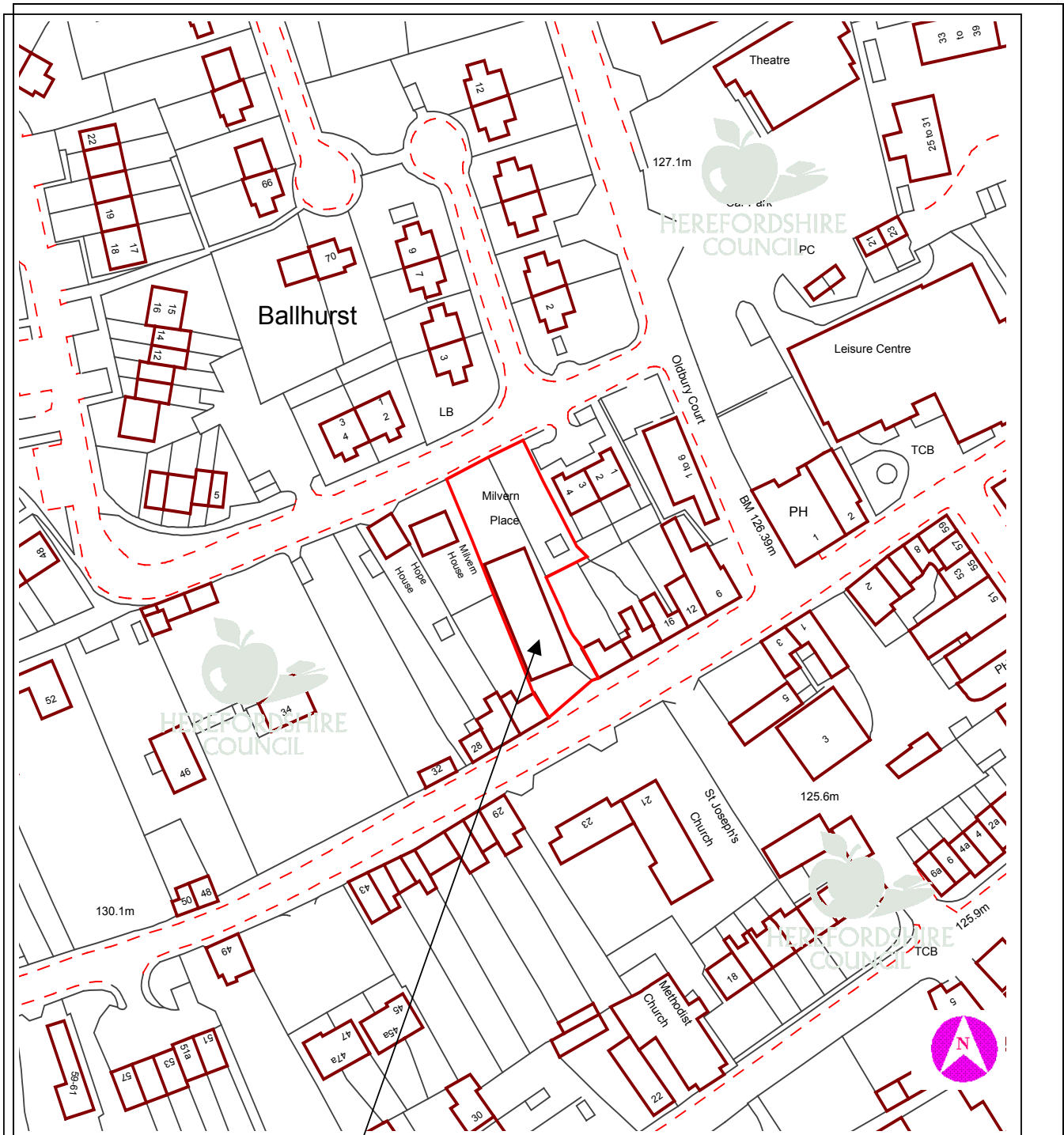
6. The developer covenants with Herefordshire Council To pay Herefordshire Council the sum of £630 as a 2% surcharge fee for the services of a Council Planning Obligation Monitoring Officer. The sum shall be paid on or before the commencement of the development.

In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 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.

The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

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.

The developer shall complete the Agreement by 31 December 2008, otherwise the application will be registered as deemed refused.



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APPLICATION NO: DCNC2008/1881/F **SCALE :** 1 : 1250

SITE ADDRESS : 22 Old Road, Bromyard, Herefordshire, HR7 4BQ

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6A DCNW2008/1741/F - PROPOSED CONVERSION INTO NINE APARTMENTS, INCLUDING NEW STAIR TOWER AT OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ.

6B DCNW2008/1742/L - PROPOSED CONVERSION INTO NINE APARTMENTS, INCLUDING NEW STAIR TOWER AT OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ.

For: JR Homes Ltd

**Date Received: 1 July 2008
Expiry Date: 26 August 2008**

Ward: Kington Town Grid Ref: 29653, 56577

Local Member: Councillor TM James

Introduction

The above-mentioned application was presented to the Northern Area Planning Sub-Committee at its meeting on Wednesday, 24 September 2008, at which members decided to defer the application for a site inspection. This is planned for Tuesday, 14 October 2008.

The following report has been revised to include the up-dates verbally reported to Committee at its last meeting held on 24 September 2008.

1. Site Description and Proposal

- 1.1 The site is located adjacent to 'Harp Yard' to the rear of High Street, from which vehicular access is obtained.
- 1.2 The building is a former 'Wesleyan Chapel', which has not been used as a place of worship for a considerable period of time (refer to Historic Listing of building, attached to the end of this report indicating a disused chapel in 1976). Grade II listed and a building of dominant scale, it is of external stone construction under a slate roof.
- 1.3 The site is surrounded by other residential/retail units within the vicinity and adjacent to its south eastern boundary is a small parcel of land, also in the control of the applicants, on which they propose to construct a terrace of 4 small dwellings. (Application yet to be formally submitted for planning consideration). Immediately adjacent to the western elevation of the application site is a footpath connecting the town centre to a carpark/supermarket.
- 1.4 The application proposes conversion over three floors of the existing building into 9 separate, 1 bedroomed apartments, three of which are proposed to be allocated for affordable housing in-line with the council's Strategic Housing advice, as set out in the Draft Heads of Term's attached to this report. The application also proposes construction of an access stairs tower onto the east elevation of the building, from this;

internal access will be directly obtained to all three floors of the building, each containing 3 apartments each.

2. Policies

2.1 National Planning Policy Guidance.

- Planning Policy Guidance 15 - Planning and the historic environment
- Planning Policy Statement 3 - Housing
- Planning Policy Statement 1 - Sustainable development

2.2 Regional Spatial Strategy.

- Policy RR3 - Market Towns
- Policy CF4 - The re-use of land and buildings for housing
- Policy C5 - Delivering affordable housing and mixed communities

2.3 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
H1	-	Hereford and the market town hours: Settlement boundaries and established residential areas
H9	-	Affordable housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
TCR6	-	Non-retail uses (Classes A2-A5)
T11	-	Parking provision
NC1	-	Biodiversity and development
HBA1	-	Alternations and extensions to listed buildings
HBA3	-	Change of use of listed buildings
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
CF2	-	Foul drainage

2.4 Herefordshire Supplementary Planning Guidance

- Planning obligations
- Design and development requirements
- Provision of affordable housing

3. Planning History

3.1 NW0012653/F - Conversion of redundant building and extension for lift and stairs to provide Youth Hostel - withdrawn 12th November 2000.

- 3.2 NW0012654/L - Conversion of redundant building and extension to provide lift and stairs to provide Youth Hostel - withdrawn 12th November 2000.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objections subject to inclusion to any approval notice subsequently issued conditions with regards to foul and surface water drainage.

Internal Council Advice

- 4.2 The Transportation Manager raises no objections subject to inclusion of a condition with regards to cycle storage provision, to any approval notice subsequently issued.

The Council's Transportation Manager also forwarded additional information in consideration of access concerns raised. The response states that footpath number ZE27 is well over 2.0 metres wide, apart from a pinch point near the northern end of the chapel, which measures from the map as 1.75 metres. Harp Yard is adopted. The proposed development is considered acceptable and has the support of the Council's Transportation Manager.

- 4.3 The Public Rights of Way Manager raises no objections. Further comment has been received from the Council's Public Rights of Way Manager stating that the adjacent footpath, alongside the western side of the application site is a public footpath. (ZE27). The letter states that the proposed development does not impact on the use and enjoyment of the public footpath itself apart from when people temporarily attempt to manoeuvre furniture through the proposed gate into the site. Access for emergency is outside of the Council's Public Rights of Way remit.

- 4.4 The Planning Ecologist raises no objections subject to inclusion of a condition, with regards to nature conservation, to any approval notice subsequently issued.

- 4.5 The Conservation Manager recommends approval to the proposed development commenting *'the proposed scheme preserves and enhances the exterior of the building. Its principle impact is on the interior, which is now without any interest.'*

The Council's Conservation Manager submitted further comments, stating that demolition of walls on site cannot be done without listed building consent. The response states that this application preserves a building at risk. It does not destroy any interior features, as these are already lost. Proposed openings are generally in existing openings or governed by the pattern of openings on the elevations.

The only internal historic feature is a ceiling rose which can be subject to a condition to be preserved.

- 4.6 The Strategic Housing Manager supports the application stating *'the proposed 3 units of affordable housing is in-line with Herefordshire Supplementary Planning Guidance in relationship to affordable housing. Three separate 1 bedroomed units being considered acceptable to the Council's Strategic Housing team.'*

4.7 The Council's Property Services Manager responded to the application stating that the site is an expensive site to develop and that some form of use for the site is to be welcomed, as it has remained empty for a long time.

5. Representations

5.1 Kington Town Council have responded to the application commending the fact that there is a proposed application to re-develop the Wesleyan Chapel site as they consider the building is of significant interest being a Grade II Listed building. However, they raise the following concerns:

- Plans supplied in support of the application appear to contain insufficient detail.
- Developer has failed to give an overview to the development of the site as a whole. Lack of detail of external construction materials for the proposed stair tower.
- No consideration to disability access or inhabitation and lack of amenity land.
- Assurances required with regards to protection of the boundary wall to the application site.
- Concerns with regards to intrusion on existing residents of Harp Yard and on the Old Printing Works.

5.2 Letters of objections have been received from the following:

- Mr Dean Benbow, Warren Benbow Architects, Kington
- Mr P. J. Jennings, Stream Cottage, Staunton-on-Arrow, Leominster
- Mrs R.J. Bradbury, Rose Cottage, Bradnor Green, Kington
- Francis Dunne, The Barn, Harp Yard, Kington
- Mr & Mrs R. Hills, 2 Harp Yard, Kington
- Dr. C. F Forde, 4 Harp Yard, Kington
- Mr D. Clarke, The Laburnums, 32a High Street, Kington
- Mr T. Bounds, (via email)

The issues of concern raised in the letters of objections can be summarised as follows:

- Concerns about quality of plans submitted for planning consideration, in that no cross sections through the building, in relationship to floor levels form part of the application.
- No indication is given with regards to proposal for adjoining land, also in the control of the applicant, with no mention of amenity space provision.
- Location of the proposed stair tower indicates maximum impact on the Harp Yard and in particular the building itself.
- Detrimental impact on surrounding resident's amenity and privacy.
- Is there need for nine more 1 bedroomed flats in Kington?
- Impact on amenity or residents of the proposed flats themselves.
- Insufficient car parking provision and vehicular access to the site.
- Insufficient information with regards to external door and window detail.
- Insufficient planning objection contributions in accordance with Herefordshire Supplementary Planning Guidance on this issue.
- Lack of detail submitted with the application with regards to existing internal historic detail.
- Concerns about standard of proposed development in relationship to sound proofing, window detail and double-glazing.

- Concerns about the proposed roof structure and the possibility of a high level of asbestos within the roof space.
- 5.3 A further letter and plan in response to concerns raised in relationship to the proposed development has been received from the developer stating:
- Provision is provided for refuse and bicycle storage for occupants of the proposed development.
 - The proposed access stairs is as a result of consultation with the Area Conservation Officer, and the proposed external materials for this will be natural stone and glazing to compliment the chapel.
 - Disabled access to the building will be provided and will comply with Part M of the Building Regulations.
 - Internally there is nothing of historic importance as agreed by the Council's Conservation Team.
 - Car parking provision is in accordance with Herefordshire Council's Highway Design Guide, in that parking can be significantly lower on town centre locations, development for single people and conversions of non-residential buildings, all of which, the proposal falls under.
 - The land adjacent to the site, also in the ownership of the applicant will be subject to a separate application, for four units in a terraced design, with two car parking spaces, provided for each unit.
 - Presently access to Harp Yard is very narrow and with poor visibility. The proposed development also utilises the existing entrance to the site off the adjacent lane, off High Street, as the entrance for residents of the proposed development, and therefore congestion in Harp Yard will probable be improved.

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

6. Officer's Appraisal

- 6.1 The key issues of concern in relationship to this application are;
- Impact of proposed development on historic fabric of existing building.
 - Impact on amenity and privacy of surrounding residents.
 - Insufficient car parking on site and poor vehicular access to the site.
 - Planning objections in consideration of Council's Supplementary Planning Guidance on planning obligations.
 - Impact of proposed development on the existing building.
 - Disabled access and provision.

Impact of proposed development on historic fabric of existing building.

- 6.2 The application proposes conversion of the building into 9 separate 1 bedrooomed units over three floor levels. The Council's Conservation Manager has responded to the application with no objections stating. *'The scheme preserves and enhance the exterior of the building. Its principal impact is on the interior, which is now without any interest, except for a ceiling rose, which should be preserved.'*
- 6.3 A letter of objection received from a member of the public specifically raised concerns about the internal historic interest of the building. However this letter of objection includes reference to internal fittings and finishes no longer in situation, having been removed a considerable time ago, long before purchase of the site by the present

owners, who are the applicants. The previous owners being the Council, who were forced into compulsory purchase of the building from the then previous owner due to concerns about the building's derelict state of repair being a listed building. (See annexe 1 for copy of buildings historic listing).

- 6.4 Therefore it is considered the proposed development has no detrimental impact on the internal fabric of any historic importance, retaining the external appearance of the building, as well as surrounding boundary walls, which also contribute to the overall visual importance of the site. With regards to external construction and repair, it is recommended that, if members are mindful to approve the application, that conditions be attached to the approval notice requesting detailed information with regards to external joinery, wall construction and repair, guttering and mortar mix, stair tower construction and details with rights to preservation of the internal ceiling rose.

Impact on amenity and privacy of surrounding residents.

- 6.5 The application is for conversion of an existing building into 9 separate 1 bedrooled apartments mainly using existing window openings in the building. The application proposed two new window openings to match existing windows into the eastern elevation on which it is proposed to construct a stair tower of external stone and glazing construction, the eastern gable of this stair tower, being all of stone construction.
- 6.6 It is considered that the proposed development will have no sufficient detrimental impact on the amenity and privacy of surrounding dwellings, by means of the proposed conversion of the building. The nearest dwelling to the eastern elevation was the former printing works, for which planning approval was granted for a two bedrooled cottage. This building prior to commencement of works, subject to the planning approval, has subsequently been demolished and therefore the planning permission cannot be implemented. Therefore the proposal subject to this application, is of no significant detrimental impact to the site, or the former printing works.
- 6.7 It is considered the proposed development allows for sufficient storage space and amenity space for residents of the 1 bedrooled units, given the scale of the historic and architectural context of the immediate surrounding area, to the application site and the building itself.

Car parking on site and vehicular access to the site.

- 6.8 The site is located within the town's central shopping and commercial area and entails conversion into residential accommodation of an existing building.
- 6.9 Central Government Policy encourages the shared use of parking facilities in such areas, particularly where peak levels of different uses do not coincide, such as residential and retail.
- 6.10 The applicant in-line with Central Government advise and Herefordshire Council's Highways design guide on car parking has demonstrated sufficient car parking facilities within close proximity to the application site, as such officers are of the opinion that a recommendation for refusal on this issue would not be upheld in the event of an appeal, given the town centre location of the site. Furthermore any development of the adjacent site by the applicants will entail new build with parking provision on site for the new development.

Planning obligations in consideration of Council's Supplementary Planning Guidance.

- 6.11 Paragraph 3 of the Summary of the Council's Supplementary Planning document on planning obligations states that residential units arising through the conversion of existing buildings within the central shopping and commercial area of market towns are excluded from the payment of developer contributions.
- 6.12 The application is accompanied by a Draft Heads of Terms, (attached to this report) indicating the applicant's willingness to the provision of 35% of the total amount of residential units on site as affordable housing. This is in accordance with the Strategic Housing Manager's request and relevant local plan policy on affordable housing. Strategic Housing raising no objections to the provision of 1 bedroomed apartments.

Impact of the proposed development on the existing building.

- 6.13 The proposal is considered acceptable to the Council's Conservation Manager. The proposed development requiring minimal alterations to the existing building's external character, which will be largely retained, with the inclusion of a access stairs tower onto the eastern elevation of the building, and is of a scale and design considered acceptable in relationship to the existing building on site. As previously mentioned the historic importance of the interior of the building has already been lost accept for a ceiling rose, that is recommended to be retained.
- 6.14 Conversion of the building will have to comply with current Building Regulations, which will cover issues such as sound proofing, window details and insulation etc, issues as raised by members of the public. Furthermore as discussed previously, it is recommended that appropriate conditions are attached to any approval notice subsequently issued with regard to external construction materials.

Disabled access and provision.

- 6.15 The applicants have proposed access to the site in accordance with Herefordshire Council's Highways specification. The proposed access stairs tower also provides for disabled access to the apartments, in consideration of Part M of Building Regulations.

Land adjacent to the application site.

- 6.16 The site adjacent to the application site (also in the applicants control), does not form part of this application. However in response to concerns raised by both the Town Council and members of the public, the applicants in additional information, have indicated a proposal for a terrace, containing 4 separate residential units. This proposal will be subject to a separate application, should plans for the proposed development be submitted to the council for formal planning consideration.
- 6.17 This is a very difficult and constrained site with a building generally in poor condition. Some sensible compromises are acceptable in getting use of the building, which has a history of compulsory purchase by the Council owing to its poor condition given the fact it is a listed building at risk. This development proposal may well be the building's last chance.

The Council's Conservation Team and Officer's of the Authority have resisted proposals to accommodate residential accommodation in the roof space.

RECOMMENDATION

In respect of DCNW2008/1741/F:

That planning permission be granted subject to the following conditions:

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

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

2 The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement will provide for affordable housing in accordance with the Heads of Terms approved at Northern Area Planning Sub Committee on 24th September 2008, as follows; -

a) 3 x 1 bedroom units at a value of no more than £79,000 per unit.

Reason: In order to provide affordable housing in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

3 C01 (Samples of external materials)

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

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

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan

5 D05 (Details of external joinery finishes)

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

6 D08 (Repairs to external brickwork)

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

7 D10 (Specification of guttering and downpipes)

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

8 D11 (Repairs to match existing)

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

9 Prior to any development on site, a scheme for the repair of the boundary walls to the application site shall be submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure the character of the site is retained in consideration of its historic importance and to comply with Policy HBA4 of the Herefordshire Unitary Development Plan.

10 Prior to any development on site, a scheme for the internal works, including proposal for retention and preservation of the ceiling rose, working drawings for the interior of the stair tower, intentions with regards to roof timbers and proposed bins and bike sheds shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the historic character of the building and to comply with policies HBA4 and HBA6 of the 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 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 I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

14 K4 (Nature Conservation - Implementation)

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

15 L01 (Foul/surface water drainage)

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

16 L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

17 L03 (No drainage run-off to public system)

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

18 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.

INFORMATIVES:

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. N02 - Section 106 Obligation**
- 4. HN28 - Highways Design Guide and Specification**
- 5. The applicant is reminded of the Control of Asbestos Regulations 2006 and is advised to take suitable advice prior to the removal of any asbestos from the premises.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

RECOMMENDATION

In respect of DCNW2008/1742/L:

That planning permission be granted subject to the following conditions:

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

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

2 C01 (Samples of external materials)

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

3 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 special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan

4 D05 (Details of external joinery finishes)

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

5 D08 (Repairs to external brickwork)

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

6 D10 (Specification of guttering and downpipes)

Reason: To ensure that the rainwater goods are of an appropriate form in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

7 D11 (Repairs to match existing)

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

- 8 Prior to any development on site, a scheme for the repair of the boundary walls to the application site shall be submitted and approved in writing by the Local Planning Authority.

Reason: In order to ensure the character of the site is retained in consideration of its historic importance and to comply with Policy HBA4 of the Herefordshire Unitary Development Plan.

- 9 Prior to any development on site, a scheme for the internal works, including proposal for retention and preservation of the ceiling rose, working drawings for the interior of the stair tower, intentions with regards to roof timbers and proposed bins and bike sheds shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the historic character of the building and to comply with policies HBA4 and HBA6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 - N15 - Reason(s) for the Grant of Planning Permission
- 2 - N19 - Avoidance of doubt - Approved Plans
- 3 - N02 - Section 106 Obligation
- 4 - HN28 - Highways Design Guide and Specification

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

COPY OF HISTORIC LISTING

S02956 643-1/1/88 26/07/76	Kington Harp Yard Former Old Wesleyan Chapel
GV	II

Chapel, now disused, Early C19. Stone rubble; hipped corrugated iron roof, small brick stack. 2 Storeys and basement; 3-window range: fixed lights with arched heads and some old glass, under ashlar semi-circular arches. Entrance to centre left: 6 field panel double doors, under dressed stone flat arch; flanked by blocked lights under semi-circular arches. 2 Blocked basement windows under flat arches. Left returned side: two C20 round headed 10/12 sashes under semi-circular arches to 1st floor. Right returned side: three C20 sashes; blocked doorway in central advanced bay, flanked by similar sashes, ashlar semi-circular arches.

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – NW08/1741/F.

Proposed conversion into nine apartments, including new stair tower at Old Wesleyan Chapel, Harp Yard, Kington, Herefordshire, HR5 3BJ.

1. The developer or successor in title shall provide 3 affordable housing units, which meet the criteria as set out in Policy H9 and section 5.5 of the Herefordshire Unitary Development Plan. (Or any statutory replacement of those criteria and that policy). The affordable housing units will comprise of 3 x 1 bedroomed units for low cost market housing sold at the value in the Herefordshire Council Supplementary Planning Guidance technical data 2008 – 2009 at a value of no more than £79,000 per unit. The dwellings shall be in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards, with no Affordable Housing grant input. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units of the development. The affordable units will be allocated by 'Homepoint' letting agency, to person's in accordance with policy criteria on affordable housing in the Herefordshire Unitary Development Plan or any subsequent replacement or Supplementary Planning Guidance on affordable housing within Kington in the first instance cascading out to all adjoining parishes to Kington, if an applicant from Kington cannot be found.
2. 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.
3. The developer shall complete the Agreement by (a date to be agreed) otherwise the application will be registered as deemed refused.

P. Mullineux, 29 July 2008.



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APPLICATION NO: DCNW2008/1741/F and DCNW2008/1742/L

SCALE : 1 : 1250

SITE ADDRESS : Old Wesleyan Chapel, Harpyard, High Street, Kington, Herefordshire, HR5 3BJ

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7A DCNE2008/1492/F - CHANGE OF USE AND RE-DEVELOPMENT TO PROVIDE 2 NEW 1 BED RESIDENTIAL UNITS, 3 NO. A1 COMMERCIAL UNITS AND 1 NO. A3 UNIT AT 12 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DS

7B DCNE2008/1493/L - CHANGE OF USE AND RE-DEVELOPMENT TO PROVIDE 2 NEW 1 BED RESIDENTIAL UNITS, 3 NO. A1 COMMERCIAL UNITS AND 1 NO. A3 UNIT AT 12 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DS.

**For: Pajupa Design and Development Priory Lodge,
Worcester Road, Ledbury, Herefordshire.**

Date Received: 4 June 2008

Ward: Ledbury

Grid Ref: 71152, 37634

Expiry Date: 30 July 2008

Local Members: Councillors JK Swinburne, PJ Watts and ME Cooper

1. Site Description and Proposal

- 1.1 The application site is located to the rear of 12 High Street, Ledbury, within the Central Shopping and Commercial Area of Ledbury, as defined on the Herefordshire Unitary Development Plan Inset Map LED2, within a Conservation Area, and on a plot, which adjoins a primary shopping frontage.
- 1.2 The High Street frontage of the plot comprises a butchers shop (front) and to the side, a gated entrance, which provides access into the plot itself, along with additional access to the rear of the butchers and building generally. There are currently two number two bedroom flats within the existing building.
- 1.3 The application site comprises a Grade II Listed Building with a series of rear extensions and outbuildings. A timber framed town house, incorporating the butchers at ground level, provides frontage to the High Street, with 18th and 19th century extensions to the rear, along with a poor quality 20th century extension. The buildings are within a well defined plot, which follows the distinct burgage plot formation common within the centre of historic Ledbury, and is delineated by a brick wall. The site adjoins listed buildings on either side (High Street frontage), and to the rear is bordered by the garden curtilage of The Priory, which comprises a series of residential apartments.
- 1.4 In summary, the site is within the heart of Ledbury and within an historically important position.
- 1.5 The proposal is for a the change of use and redevelopment of the site, to provide a total of 4 number 1 bed residential units (net gain 2 residential units), 3 number A1 (retail) units and 1 number A3 (restaurant) unit.

2. Policies

2.1 National Planning Policy Guidance:

Planning Policy Statement 3	-	Housing
Planning Policy Statement 6	-	Planning for town centres
Planning Policy Guidance 15	-	Planning and the historic environment
Planning Policy Guidance 16	-	Archaeology and planning

2.2 Herefordshire Unitary Development Plan:

Policy S1	-	Sustainable residential design
Policy S3	-	Housing
Policy S5	-	Town centres and retail
Policy DR1	-	Design
Policy DR2	-	Land use and activity
Policy DR3	-	Movement
Policy H1	-	Hereford and market towns: settlement boundaries
Policy H13	-	Sustainable residential design
Policy H14	-	Re-using previously developed
Policy TCR1	-	Central shopping and commercial areas
Policy TCR2	-	Vitality and viability
Policy TCR5	-	Small scale retail development
Policy HBA1	-	Alterations and extensions to listed buildings
Policy HBA3	-	Change of use of listed buildings
Policy HBA4	-	Setting of listed buildings
Policy HBA6	-	New development within conservation areas
Policy HBA7	-	Demolition of unlisted buildings within conservation areas
Policy ARCH1	-	Archaeological assessments and field evaluations
Policy ARCH6	-	Recording of archaeological remains

3. Planning History

- 3.1 DCNE2004/0071/F - Change of use from Butchers shop to Tandoori/Balti Takeaway - Refused

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Council's Highways department makes no objection to the proposal. The Area Engineer notes, given the location and constraints of the site and the nature of the development and size and scale of the residential element, the lack of any on-site vehicular parking provision is considered acceptable, as is no on site secure bicycle parking provision.
- 4.3 The Council's Conservation Officer notes the significant Officer time that has been spent advising the applicant at the pre-application stage and comments the proposal will benefit and regenerate an interesting historical element within the centre of

Ledbury. The proposals are considered to preserve and enhance the character of the site and buildings, and in particular, give the Victorian buildings a new use.

- 4.5 The Council's Archaeological Advisor describes the site as being of great sensitivity and highlights its location within the core of the archaeological important urban area of Ledbury.
- 4.6 It is considered the scale and nature of the proposal will have a moderately severe impact upon archaeological issues. However, mitigation of the possible damaging effects is considered possible and as such, an archaeological condition is recommended and is included in my recommendation.
- 4.8 The Council's Environmental Health department has been consulted and comments are pending. Comments will be updated to Members at Committee.

5. Representations

- 5.1 The Town Council recommends approval and offers no further comment.
- 5.2 Three letters of objection have been received from owner/ occupiers with The Priory, Worcester Road, Ledbury, HR8 1PL:

Mrs H Davies, Flat 1;
G Simons, Flat 3; and
Mr R and M Wolstenholme, Flat 4

The comments are summarised as:

- In general, welcome the restoration of the derelict buildings
 - Lack of details regarding retail and restaurant elements
 - Concern over fumes, smell and odours from the restaurant
 - Provision of outdoor area connected to the restaurant is adjacent to The Priory and will cause harm to the enjoyment of The Priory's garden
 - A3 unit should be located closer to The High Street
 - The boundary wall between the site and The Priory is damaged and needs restoring - concern this will become a 'short cut' without its repair
 - Concern how any development would be accessed and carried out
 - Shop units will bring people unnecessarily into the area
 - Given new smoking legislation, users of the restaurant will have to smoke in the outside garden area causing an unpleasant hazard for adjoining residents
 - No details on restaurant operation, hours etc
- 5.3 Further details following the above objections were received from the applicant. Following a second round of consultation with the above objectors, the following comments were received:
- Suggested restrictive hours of operation for the restaurant are satisfactory (one objector)
 - Suggested condition regarding the reinstatement of the boundary wall prior to the commencement of the development supported
 - Concern over the glazed 1st floor element of the restaurant and privacy/ overlooking that will result into The Priory gardens

- There are no commercial premises within this area and the residential nature should be respected
- Despite suggested restrictive hours condition, concerns remain over noise and disturbance
- Concern hours of operation could be modified or ignored
- Concerns remain over smells and odours

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

6. Officer's Appraisal

Introduction

6.1 The proposal represents a small-scale mixed-use regeneration scheme within the heart of Ledbury, proposing residential, retail and leisure facilities.

6.2 Principle planning benefits and objectives of such schemes are namely considered to be:

- Utilising brownfield sites
- Protecting and enhancing the vitality and viability of town centres
- Making the best use of land

6.3 In regards to this site, further potential benefits are considered to be:

- Enhancement of the conservation area
- Ensuring the long term future and viability of a Grade II listed building, located within an historic and prominent position within the townscape
- Contribution to the vitality and viability of Ledbury town centre
- Contribution towards range and choice of residential properties within Ledbury, especially at the 'starter' or 'entry' end of the market

6.4 The comprehensive redevelopment of this site is both welcomed, and in principal, supported by both national planning guidance and local Herefordshire Unitary Development Plan policies. This site is currently semi-derelict and under utilised, despite its location within both the core of the town centre's central shopping and commercial area, but also the Conservation Area. The proposal not only represents an investment in the area, but also brings back into use and life a significant historical area of Ledbury.

6.5 Given the detailed and varied nature of the proposal, and associated issues, each is taken in turn:

Ledbury Town Centre

6.6 The location lends itself to a mixed-use scheme of residential, retail and entertainment elements, as again supported by national and local planning policies. This mix of compatible uses is considered to further increase the range of facilities within Ledbury, further enhancing the town centre's vitality and viability. Ledbury already as a critical mass of similar sized and styled specialist A1 retail units, which collectively support each other and bring shoppers and visitors into the town centre.

- 6.7 These units will further increase and enhance that position, and add to Ledbury's range and collection of shops, and consequently, attraction as a shopping and tourist visitor destination. Given the units' size, they further lend themselves to the niche market and critical mass Ledbury has evolved in respect of specialty shops, many of which are located within listed buildings and/ or in mews or courtyard style developments. This combination of interesting shops, within attractive historic environments has clearly proven to be successful for both the individual businesses and Ledbury alike.
- 6.8 The proposed restaurant element is also considered, in principle, acceptable and complementary to the range of such provision within the town and the immediate location. This combination of retail and restaurant enhances the potential footfall into the site and use and utilisation of both elements by visitors to the complex.
- 6.9 The 2 number 1 bed residential units will increase the number of residential units within this complex to four. The mixed use of such sites is encouraged and considered complimentary to town centre locations, creating a 24 hour presence and diversity to these town centre areas, ensuring that they do not just operate and exist between the opening hours of shops, etc.
- 6.10 The nature of the proposed properties is sustainable, given their close proximity to the facilities and opportunities offered by Ledbury. In addition to the location and practicalities of this site, on site vehicular parking and secure cycle storage provision can be waived in lieu of the benefits this scheme brings overall.
- 6.11 The standard of accommodation provided is considered acceptable in regards to the floor space and amenity expected from a one-bedroom town centre flat.
- 6.12 Although not specifically 'affordable units', the residential element, by virtue of their size also bring some diversity, range and choice to the local property market, especially at the starter/ cheaper end of the sector. This scheme might also serve as a catalyst for the potential use of other upper floors within Ledbury town centre coming forward for residential use.
- 6.13 It is considered that the proposed scheme satisfies UDP policies S1, S3, S5, H13, H14, TCR1, TCR2, and TCR8

Conservation and historic environment

- 6.14 Currently, the site is an under utilised historic asset in a poor state of repair. The proposed conversion of these buildings secures the long term future of the listed building with a suitable range of uses. The three different uses within the site ensure not only the upkeep of this area, but also enjoyment of this historic asset, which currently is not only in a substandard state, but also not accessible to the wider public.
- 6.15 The submission of full details regarding landscaping, window details, external lighting and access gate, has allowed a thorough appraisal of the scheme in regards to design and the historic environment. It is considered the scheme would not only preserve, but also enhance the conservation area and have a wider benefit to Ledbury's historic core and townscape generally.
- 6.17 The proposed scheme is considered to be in accordance with UDP policies DR1, HBA1, HBA4, HBA6, HBA7, and ARCH1.

Objections and comments

- 6.18 I note the objections raised by residents from the adjacent 'Priory' residential complex. In assessing this application and the issues raised, The Priory has been visited and the proposal assessed from this aspect.
- 6.19 I do not accept the proposal would have a significant detrimental impact upon the enjoyment of The Priory and its residential units; indeed a residential element is central to the proposed scheme and it is not considered these units would have an undue loss of amenity given the mix of uses proposed. A vibrant and 24 hour economy is encouraged in such areas; hence the general policy support for mixed use schemes within urban core areas at both national and local planning policy levels.
- 6.20 In regards to the restaurant, which has caused most concern, conditions regarding open hours, bin/refuge storage have been recommended in order to safeguard residential amenity generally in this area.
- 6.21 In principle a restaurant in this location is acceptable, and I accept the applicant's comments that currently this is 'speculative'. Precise details of the kitchen layout and potential user cannot be informed until the application is determined. Any subsequent tenant/restaurant type will be able to judge the suitability of the unit against the conditions attached.
- 6.22 The precise hours of operation restricted in condition no.6, below, are considered to both protect the residential amenity of the area, and also allow for the operation of a sustainable and successful business. Those hours prevent the introduction of a late night take away unit or restaurant/bar. Any proposed variation of those hours would be considered on the merits of any future application.
- 6.23 The boundary wall, which has also been commented on, is to be retained and no thoroughfare between High Street and The Priory is to be created. A condition requiring the boundary wall to be repaired prior to occupation of any of the units is recommended to safeguard as far as possible against this situation arising.
- 6.24 Outside of retail/restaurant opening hours, the access gate into the application site, fronting the High Street, will be locked and coded controlled access will apply.
- 6.25 In regards to the concerns raised over the loss of privacy and amenity from the first floor restaurant and its rear glazed element, I note the distance between this proposed elevation and the nearest facing elevation of The Priory, which is a blank elevation, is 22 metres (ground floor to ground floor distance is 19 metres). The distance from the proposed 1st floor glazed element to the nearest windowed elevation of The Priory is approximately 28 metres.

The boundary between The Priory and the application site is defined by a brick wall and planting, which includes mature trees and partially obscures the views between the plots. Given both sites location within a Conservation Area, the carrying out of works to, or the removal of, these trees requires written consent from the Local Planning Authority, and thus further protects the current position, boundary definition, and further mitigates any amenity impact of the proposal upon The Priory.

- 6.26 In regards to the loss of privacy and amenity within The Priory's garden curtilage, it is considered any overlooking will be minimal and restricted to a very small percentage of

the large curtilage area. It is understood that the garden area of The Priory is communal and 'open plan' in nature, with each apartment not having specific reserved private areas. It is considered that any impact upon the garden is minimal and that significant private garden area remains for the enjoyment of residents.

- 6.27 The boundary wall, which has also been commented on, is to be retained and no thoroughfare between High Street and The Priory is to be created. A condition requiring the boundary wall to be repaired prior to occupation of any of the units is recommended to safeguard as far as possible against this situation arising.
- 6.28 Overall the proposals are welcomed and represents a relatively significant, albeit small-scale redevelopment mixed-use scheme within an important and attractive area of Ledbury. The enhancement and benefits from his scheme are considered numerous, not least the historic and conservation benefits, and it is considered the proposal accords with local and national policies.

RECOMMENDATION

In respect of DCNE2008/1492/F:

That planning permission be granted subject to the following conditions:

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

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

- 2. Prior to the commencement of the hereby approved development, full written details and samples (where appropriate) of the following shall be submitted to the Local Planning Authority for written approval:**

**Bricks
Roof tiles
Slates
Rainwater goods, including finish
All external timber elements, including finish**

The proposal shall be carried out in strict accordance with the approved plans and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

- 3. The development hereby approved shall be carried out in strict accordance with the approved 'Window Schedule', scales 1:50 and 1:20, received 31st July 2008, and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

- 4. External lighting for the development shall be carried out in strict accordance with the approved details, namely 'Eliarange' Grande four sided lantern(s)**

finished in 'black' as per specification details received 31st July 2008, and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

5. The external gate for the development, as positioned facing High Street, Ledbury, shall be carried out in strict accordance with the approved gate details, including secure coded access mechanism, as received 31st July 2008, (metal finished painted 'black') and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area and to safeguard the residential amenity of the locality, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H13, HBA1, HBA4 and HBA6.

6. The A3 element in the development is restricted to the following hours of opening and operation:

- Monday - Friday 07:00 - 21:00
- Saturday 08:00 - 22:00
- Sunday 10:00 - 16:00
- Bank holidays 10:00 - 16:00

Reason: To protect the residential amenity of adjacent residential properties, in accordance with Herefordshire Unitary Development Plan policies DR2, H13 and TCR8.

7. Prior to the occupation and first use of any unit within the hereby permitted development, the rear boundary wall between the application site and The Priory shall be reconstructed, with materials, finish and method approved in writing by the Local Planning Authority's Conservation Officer and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, and safeguard the residential amenity of residents of The Priory, Ledbury, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, DR3, HBA1, HBA4 and HBA6.

8. The external flue shall be provided in strict accordance with the approved plans and details, Titled 'Elevations as proposed - east elevation/ west elevation/ roof plan', scale 1:100, numbered 9, received 31st July 2008 prior to operation of the restaurant and thereafter be maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

9. 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.

10. The A3 element in the hereby approved development is restricted to the following hours of opening and operation:

- Monday - Saturday 08:00 - 21:00
- Sunday 10:00 - 16:00
- Bank holidays 10:00 - 16:00

Reason: To protect the residential amenity of adjacent residential properties, in accordance with Herefordshire Unitary Development Plan policies DR2, H13 and TCR8.

11. No storage of plant, machinery or materials shall take place within or on the land associated with The Priory, Worcester Road, Ledbury, HR8 1PL, nor shall works or access to works of the hereby permitted development take place through, via or upon land associated with The Priory, Worcester Road, Ledbury, HR8 1PL, except for the works specified in planning condition 7 of this approval.

Reason: To protect the residential amenity of the occupants of The Priory, Worcester Road, Ledbury, in accordance with Herefordshire Unitary Development Plan policy DR2.

12. The external landscaping of the approved development shall be carried out in strict accordance with the approved details and materials as specified on approved plan titled 'Landscape plans as proposed', drawing no's . 14 and 16, scale 1:100, received 31st July 2008 and paving specification details titled 'Old Riven' - Autumn Cotswold, received 31st July 2008

Reason: To ensure the satisfactory appearance and setting of the Grade II Listed Building and the integration of the scheme within the Conservation Area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

RECOMMENDATION

In respect of DCNE2008/1493/L:

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

1. **D01 – (Time limit for commencement (Listed Building Consent))**

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

2. **Prior to the commencement of the hereby approved development, full written details and samples (where appropriate) of the following shall be submitted to the Local Planning Authority for written approval:**

**Bricks
Roof tiles
Slates
Rainwater goods, including finish
All external timber elements, including finish**

The proposal shall be carried out in strict accordance with the approved plans and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

3. **The development hereby approved shall be carried out in strict accordance with the approved 'Window Schedule', scales 1:50 and 1:20, received 31st July 2008, and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

4. **External lighting shall be undertaken in strict accordance with the approved details, namely 'Eliarange' Grande four sided lantern(s) finished in 'black' as per specification details received 31st July 2008, and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

5. **The external gate shall be provided in strict accordance with the approved gate details, including secure coded access mechanism, as received 31st July 2008, (metal finished painted 'black') and thereafter maintained as such.**

Reason: To preserve and enhance the character and appearance of the listed building and conservation area and to safeguard the residential amenity of the locality, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H13, HBA1, HBA4 and HBA6.

6. Prior to the occupation and first use of any unit the rear boundary wall between the application site and The Priory shall be reconstructed, with materials, finish and method approved in writing by the Local Planning Authority's Conservation Officer and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, and safeguard the residential amenity of residents of The Priory, Ledbury, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, DR3, HBA1, HBA4 and HBA6.

7. The external flue shall be provided in strict accordance with the approved plans and details, Titled 'Elevations as proposed - east elevation/west elevation/roof plan', scale 1:100, numbered 9, received 31st July 2008 prior to operation of the restaurant and thereafter be maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

8. 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.

9. The external landscaping of the approved development shall be carried out in strict accordance with the approved details and materials as specified on approved plan titled 'Landscape plans as proposed', drawing no's . 14 and 16, scale 1:100, received 31st July 2008 and paving specification details titled 'Old Riven' - Autumn Cotswold, received 31st July 2008

Reason: To ensure the satisfactory appearance and setting of the Grade II Listed Building and the integration of the scheme within the Conservation Area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

Informatives:

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

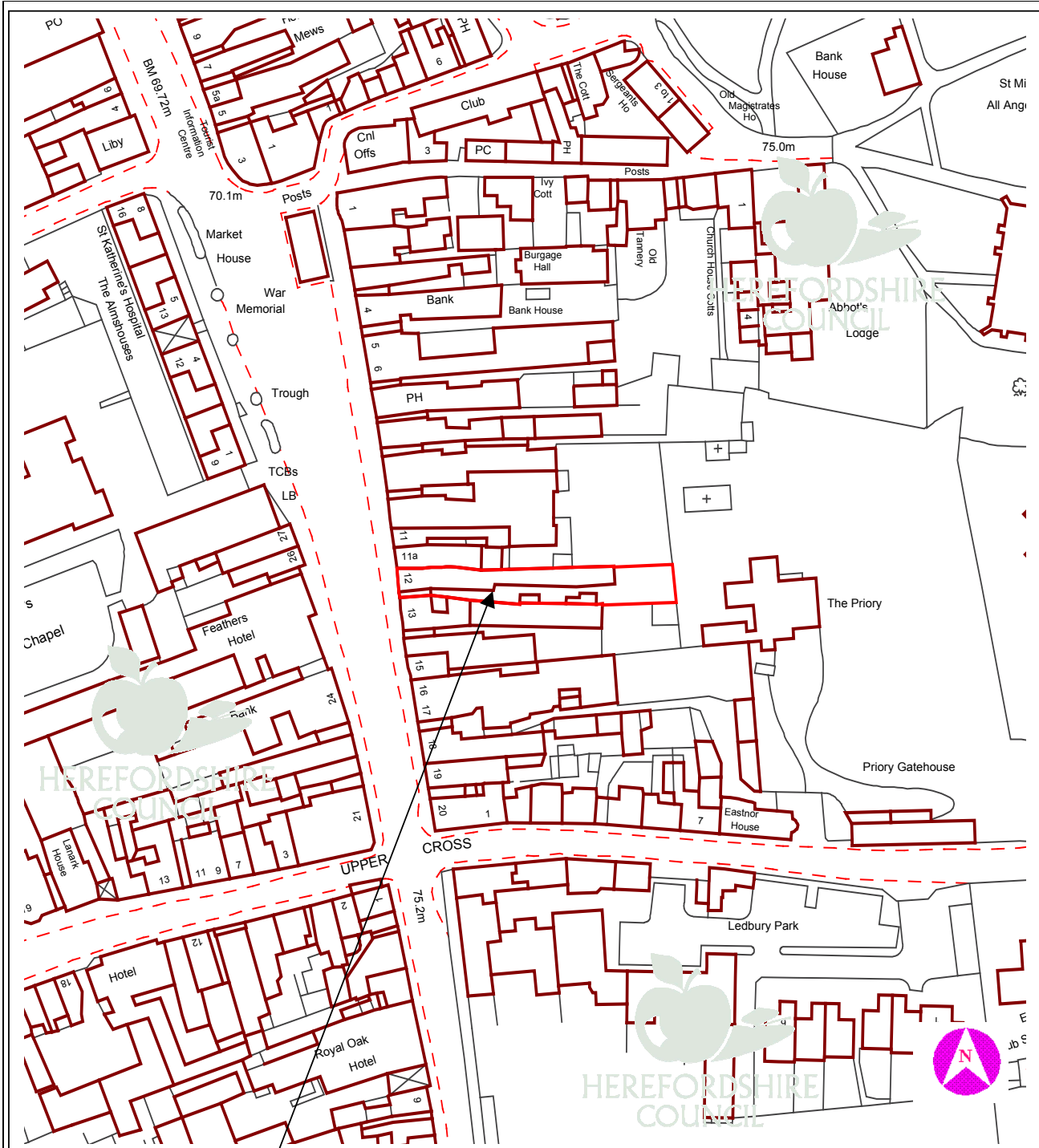
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCNE2008/1492/F and DCNE2008/1943/L

SCALE : 1 : 1250

SITE ADDRESS : 12 High Street, Ledbury, Herefordshire, HR8 1DS

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8 DCNE2008/0830/N - PROPOSED DEVELOPMENT OF REED BASED WETLANDS SEWAGE SOLUTION AND CAR PARK EXTENSION AT CODDINGTON COURT SCHOOL, CODDINGTON, LEDBURY, HEREFORDSHIRE, HR8 1JL

For: Autism West Midlands, 18 Highfield Road, Edgbaston, Birmingham, B15 3DU

Date Received: 20 March 2008 Ward: Hope End Grid Ref: 72084, 42853

Expiry Date: 19 June 2008

Local Member: Councillor RV Stockton

1. Site Description and Proposal

- 1.1 Coddington Court School lies about 5 kilometres north of Ledbury on the C1175. It is a registered charity and accommodates between 20 and 40 autistic children, mostly on a residential basis, supported by up to 153 full and part-time teaching, caring and administrative staff. Staff numbers vary over time, but approximate figures are 84 on weekdays, 9 at night, and 30 at weekends. The school comprises buildings and grounds, with parking for around 55 vehicles.
- 1.2 No mains sewerage is available in this area, and the existing sewage treatment plant, installed near the buildings to serve a previous use, has proved inadequate for the school's needs. Currently all effluent is tankered out daily along narrow lanes at great cost.
- 1.3 The proposal is for a sustainable drainage solution on part of an adjoining 5-hectare field to the south of the school buildings. In summary, the proposed solution would comprise:
- Adaptation and re-use of existing plant to start filtration and primary treatment.
 - Partially treated waste-water to be pumped to an engineered sequential wetland system.
 - Settlement pond, reed bed, wet grassland area and final wildlife pond. All elements of the system to be sealed and lined. Each stage would further purify the effluent as it passed through the system. Evaporation across the grassland would reduce surplus water.
 - Final discharge: was at first proposed to be to soakaway, but subsequently revised to be to watercourse - subject to, and regulated by, Environment Agency consent.

The system design and process are described more fully in paragraphs 6.10 and 6.11 below.

- 1.4 Also proposed is a 1500 m² extension to the car parking area in the north-east corner of the site, to provide an additional 40 spaces along with landscaping and low-level lighting.

- 1.5 The application was advertised in the Ledbury Reporter on 11th April 2008; a site notice was put up on 15th April 2008, and letters dated 3rd and 4th April 2008 notified adjoining neighbours. On 29th April 2008 the applicants held a public meeting at the school to explain the proposals and plans and engage in dialogue with neighbours.
- 1.6 Pre-application discussions began in summer 2007, to establish the principle of the development and its design.
- 1.7 Amended plans have been submitted since the initial submission following representations from the Parish Council and neighbours, and negotiations with the Environment Agency. The amendments propose moving the southern-most elements of the reed bed system northwards away from the southern boundary and clarify the methodology including final discharge. Relevant consultees, the Parish Council and neighbours were reconsulted on the amendments.

2. Policies

2.1 Government guidance

- PPS 7 - Sustainable development in rural areas.
 PPS 9 - Biodiversity and Geological Conservation.
 PPS 10 - Sustainable waste management.
 PPS 23 - Planning and Pollution Control.
 DETR Circular 03/99: Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development.

2.2 Herefordshire Unitary Development Plan 2007

- S1 - Sustainable Development
 S2 - Development requirements
 S10 - Waste
 DR1 - Design
 DR2 - Land use and activity
 DR3 - Movement
 DR4 - Environment
 DR6 - Water resources
 DR7 - Flood risk
 DR9 - Air quality
 DR14 - Lighting
 T11 - Parking provision
 T14 - School travel
 LA1 - AONB
 LA2 - Landscape character
 LA5 - Protection of trees, woodland and hedgerows
 LA6 - Landscaping schemes
 NC6 - Biodiversity Action Plan priority habitats and species
 NC8 - Habitat creation, restoration and enhancement
 NC9 - Management of features of the landscape important for fauna and flora
 W1 - New waste management facilities

3. Planning History

- 3.1 DCNE2004/1430/F - new car park, approved with conditions 15th July 2004: the site for this application occupied a small corner of the current site, but has never been implemented. The applicant has confirmed that this new application would supersede that permission and for clarity a condition is recommended to secure this. Several other planning permissions relate to Coddington Court itself but these are not relevant to the current proposal.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: initial objection pending further information on how final discharge would be safely disposed of, in accordance with DETR Circular 03/99. In particular, with regard to the originally proposed soakaway, clarification of porosity testing and the extent to which surface water would be directed to the foul system were requested. Following direct discussion with neighbours, the submission of revised details, and a change to the final discharge arrangements from soakaway to watercourse, the objection has been lifted, subject to appropriate conditions. The Environment Agency's position is discussed more fully at paragraphs 6.13 and 6.14 below.
- 4.2 The site is not within the Malven Hills AONB, but does adjoin it on the opposite side of the road to the east. The AONB Officer was consulted and has no objection to the proposed wetlands, considering it would be an enhancement to the local environment. Requests that the new car parking area be screened and the lighting kept to a low level, as proposed by the application.
- 4.3 Malvern Hills District Council: has no comments it wishes to make at this time.

Internal Council Advice

- 4.4 Head of Environmental Health and Trading Standards: no objection. A letter sent in response to direct contact from neighbours states 'the potential for nuisance is minimal'. A further response on the amended plans states: 'any potential odour problems appear to have been adequately addressed in the basic design and location'.
- 4.5 Drainage Engineer: initial concerns about the final soakaway, but no objection to the amended plans; they address the points raised.
- 4.6 County Archaeologist: no objections, subject to a standard condition allowing access for a watching brief.
- 4.7 Transport Manager: no objections, subject to conditions relating to the car park area and a school travel plan.
- 4.8 Conservation Manager: Landscape Officer - the proposal should make a positive contribution to the character and quality of the landscape. The amended plans are an improvement, subject to conditions to protect the existing trees and require some new planting.

5. Representations

- 5.1 Bosbury and Coddington Parish Council: supports the scheme in principle, which will remove the necessity for two tankers a day to remove waste. Initial comments include

the need to ensure car park lighting is kept low, that the reed-bed/pond system should be moved north by about 25m with amended drainage, that pump noise should be minimised and any smell issues monitored. In a second response the Parish Council welcome the amended plans, but is still unclear about the detailed operation of the system. In a third response, on receipt of further revised plans, the Parish Council is pleased that previous concerns have been addressed and agrees in principle, subject to conditions to ensure regular monitoring of the system.

5.2 Letters relating to the initial submitted details were received from:

Mr M Christopherson, Rawlinson End, Coddington;
Ms T Battersby, Church Farm Cottage, Coddington;
Dr R Evans, New Croft, Coddington;
H des Forges, Rosebank Cottage, Coddington;
Dr P Soilleux, Long Hill House, Coddington;
D J West, Church Farm, Coddington;
J West, Church Farm, Coddington;
Mr & Mrs C Crampton, Jasmine Cottage, Coddington.

- The points raised are summarised as follows:
- There is a potential for odour nuisance when the effluent is being discharged into the settlement tank every 15 minutes from now till eternity;
- The settlement pond should be moved further into the field;
- 8 million litres of treated water is going to be discharged into, onto and under our land;
- The clean water should be discharged to the watercourse to minimise potential run-off;
- The pools may attract mosquitoes and spread Blue Tongue and Legionnaires Disease;
- Flooding which occurs regularly may be contaminated;
- Light pollution and pump noise;
- Any increase in traffic would be quite unacceptable;
- I will welcome the absence of daily sewage lorries passing my cottage;
- The car park should be screened;
- I am concerned whether the soakaway will be able to cope;
- While supporting the school's laudable aspiration to have an ecologically-friendly approach to their sewage disposal problems, I feel the system will detrimentally affect the environmental quality for existing residents;
- Is it not the case that odour compounds can form during treatment of the discharge and can result from inadequate treatment? Will there be no odours emitted during the quarterly de-sludging procedure?

5.3 Following reconsultation on the amended plans, 3 further letters were received from previous objectors. They acknowledge the applicants' gesture in moving the proposed system northwards but still question the effectiveness of the drainage and final discharge. This will be discussed in more detail in paragraphs 6.10, 6.13 and 6.14 below.

5.4 Objectors were notified again on the final revisions to the plans, which include the amendment from a final soakaway to a discharge to watercourse - which objectors had suggested would be a preferable arrangement. Two of those objectors have nevertheless written again, maintaining earlier concerns and dislike of the project.

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.

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 application has two distinct elements: the additional car parking and the wetland drainage system. For clarity this appraisal will discuss each separately.

Additional car parking

- 6.2 Key issues for consideration are:

- Need for the development
- Visual impact
- Surface water drainage.
- Lighting
- Traffic

6.3 Need for the Development

The applicant has confirmed that the additional parking would be to accommodate existing requirements. The school's car-park is very constricted and inadequate, and the principle of using this additional area has already been established by permission reference DCNE2004/1430/F mentioned at 3.1 above. That permission would be superseded by this new proposal, and the applicant has also confirmed that an existing temporary overspill area behind the school buildings would cease. The proposed parking is on a smaller scale than that already permitted, therefore represents a reduction. Neither the Conservation Manager nor the AONB Officer has raised any objections.

6.4 Visual impact

The area identified is already screened from the road by hedging, but additional planting would assist in integrating the car-park into the site. There would be no loss of existing trees or hedgerows as the existing access would be used. As noted above, the principle of parking in this area has already been established. The contour lines would be respected and the proposal accords with policy LA2 of the Herefordshire Unitary Development Plan 2007; final details could be secured by condition.

6.5 Surface water drainage

The proposals for car park surfacing are geotextile and ecogrid, overlain with fine topsoil and sown with an appropriately robust grass. This permeable arrangement would ensure no additional run-off from the site in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007. There are no concerns regarding the car park drainage.

6.6 Lighting

Lighting would be necessary for safety and security, but the proposal is for low level/low wattage (70W) sodium down-lighters on 1.3m high bollards, regulated by timers and light sensors to conserve energy. The existing car park already has similar arrangements. Subject to a condition requiring the final specification of these lights to be agreed I am satisfied with the proposals to ensure there would be no additional light pollution from the car park.

6.7 Traffic

No additional traffic is anticipated: as noted above, the additional parking is necessary to relieve existing congestion. The Transport Manager has requested a condition for a School Travel Plan in accordance with policy T14 of the Herefordshire Unitary Development Plan 2007, and to ensure that optimum working practices are considered. It is acknowledged however that options are limited due to the school's special function, the high levels of teaching and caring staff, and the needs of visiting parents.

Reed bed wetland sewage treatment solution

6.8 Key issues for consideration are:

- The principle of the development
- Design and process
- Visual impact
- Traffic
- Surface water drainage and flood risk
- Environmental issues
- Specific points raised by objectors
- Biodiversity enhancement

6.9 Principle of the development

There is no doubt that the school urgently needs to address its sewerage issues, and the principle of a sustainable drainage solution is supported. By treating all of the school's effluent the proposed system would be virtually self-sufficient. The applicant has explained that the loading would proportionately be in keeping with normal domestic activities: for example, laundry takes place in a domestic setting for each residential unit rather than by one large-scale laundry, as part of the young people's training for adult life. Drug residue levels would be present, but no different from a comparable establishment such as a care home and the system has been specifically designed to take account of such needs. It would also accommodate a small amount of surface water drainage from one area of the school site, identified through dye testing to have been historically directed to the existing infrastructure.

Reed bed systems are a well-tested, sustainable, traditional and low-tech means of treating effluent responsibly with minimum impact in terms of resource use, cost and the environment. They can also provide an educational resource for learning about waste infrastructure, drainage engineering and wildlife habitats. In principle therefore, there is no reason why such a system could not serve the school's needs, reduce road use, remove external sewage treatment requirements, and create valuable biodiversity enhancement.

6.10 Design and process

The proposed system addresses the requirement of policy DR1 of the Herefordshire Unitary Development Plan 2007. It has several treatment stages: Initially it would re-utilise the refurbished and adapted existing sewerage infrastructure located close to the west side of the school buildings complex. This would comprise primary settlement, partial secondary treatment, filtration plant and a pumping station. This equipment would be fitted with multiple alarm systems and connected to an on-site generator with automatic cut-in to overcome any power failures. The partially treated wastewater would then be pumped to a discharge headwall prior to reaching the first settlement pond, which would be planted up with aquatic flora to start biologic treatment.

The pump and feed pipe mechanism would ensure slow release at a rigorously controlled rate, to be maintained permanently below water level to prevent any possible odour nuisance. After settlement, further filtration and biologic action would occur within a large reed-bed, from which the by now relatively clean water would track through a specially engineered wet grassland. Evaporation would occur over this area, but any surplus would then enter a wildlife pond for final polishing. The scheme was initially designed to occupy most of the western half of the site field, using the existing contours to minimise soil disturbance, with a discharge to a French drain soakaway draining towards farmland on the west. However, following representations from neighbours a revised design moved the scheme northwards, away from the southern property boundary. The surplus soil would be re-graded on the south end of the site, and a precautionary soil bund provided across the southwest corner of the field.

Amounts of final discharge would vary; in dry months there would be no surplus but in wet periods clean pond water would discharge via pipe to a watercourse, discussed in more detail in paragraph 6.14 below. As the entire system would be lined and sealed there would be no other discharge. The Environment Agency is now satisfied that these arrangements would be acceptable, subject to recommended conditions and regulated by appropriate licensing. On this basis, the requirements of policies DR1, DR4 and DR6 can be met.

6.11 Visual impact

There is very little view into or out from the site. The nearest residential neighbour is Jasmine Cottage, and the revised layout would take the southernmost point of the development to about 190 – 200 metres from the dwelling. The next nearest property is almost 300m from the proposed reed bed. Initially the ground drops away to the west and south towards open fields and no residential properties are visible from the site. No buildings are proposed, and the engineering works would not be intrusive. Mature trees and hedges would be retained along the road with additional planting, and the variety provided by the reed bed system would be a compatible improvement to the existing plain field, observing the requirements of policy LA2 of the Herefordshire Unitary Development Plan 2007.

6.12 Traffic

There would be a net reduction in road use, since the twice daily collection of effluent from the school would cease. The main settlement and reed bed pools would generate occasional vehicle movements due to cleaning and maintenance requirements. There would be no conflict with policy DR3 of the Herefordshire Unitary Development Plan 2007.

6.13 Surface water drainage and flood risk

According to the applicant's consultants, the system design has been over-engineered in order to store more than the combined potential for stormwater flows and maximum loadings from the school. An extreme rainfall event for 1 in 100 years +20% for climate change is calculated as 112.3mm on this site. In such circumstances, water input on the site and system plus the maximum daily loading from the school, results in a storage requirement of 720.13 m³. Total storage capacity for the proposed system after leaving the primary treatment tanks would be 1101.20 m³; approximately 53% above requirements. This combination with the reconfigured design described in paragraph 6.10 (including the precautionary soil bunds) would, in the applicant's view, result in a reduction in the amount of surface water currently affecting the site and its near neighbours. The Environment Agency have accepted these calculations. The conclusion is that there would overall be a surface drainage improvement compared to present conditions and therefore no conflict with policy DR7 of the Herefordshire Unitary Development Plan 2007.

6.14 Environmental issues

According to the applicants' revised 'Project Overview' dated 25th August 2008, calculations show a net annual water deficit through evaporation and system efficiency. There would therefore be no final discharge for several months of the year. However from November to January, a surplus is calculated, with one month rising to a possible 23m³ daily. Fully treated water would be directed via a pipe to an unnamed tributary of the River Leadon, subject to Environment Agency consent and regulated to prevent pollution. PPS10 (paragraphs 26 & 27) stresses that planning matters should not duplicate other legislation, and that development control should not concern itself with matters properly regulated by other bodies. Paragraph 10 of PPS23 reflects this by stating that the planning system 'should focus on the impact of [those] uses, rather than the control of processes or emissions themselves'

Nevertheless, PPS 23 (paragraph 9) also advises that 'LPAs should take account of the risks of and from pollution and how these can be managed or reduced'. Likewise, under DETR Circular 03/99 provision for non-mains sewerage must be deemed acceptable before planning permission is granted. Lengthy and detailed discussions between planning officers, the consultants and the Environment Agency have taken place to address these matters, and also to fulfil the requirements of paragraph 15 of PPS23. In the light of additional information and amended plans, the Agency's initial objections have been lifted, and planning conditions recommended. To clarify, the Agency's objections were entirely connected with ensuring that the final discharge would satisfy their requirements; they were not objecting to the scheme in principle.

Negotiations between the applicants and the neighbouring landowner regarding the necessary easement for the discharge pipe are understood to be well under way with initial agreement achieved, subject to legal arrangements. The need to complete these could be secured by condition, and in any case it should be stressed that a planning permission, if granted, could not be implemented unless the Environment Agency had granted a Consent to Discharge. It has now been established that the proposal is capable of being thus Consented and the terms of policies DR1 and DR4 of the Herefordshire Unitary Development Plan 2007 can be met.

6.15 Specific points raised by objectors

Objectors have concerns about odour, asserting that reed beds 'always smell'. To support their fears they have cited point 3.7 of the submitted Design & Access Statement dated March 2008, which states '*the only potential source of odour within the proposed wetland treatment system will be at the initial inflow pipe*'. However the statement continues by saying that to prevent any nuisance occurring this pipe would be designed to remain permanently under water. Aquatic plants would also be used in the settlement process to '*reduce odour, remove organic matter, nitrogen and pathogens*'. Offensive matter would be progressively removed through further filtration and plant/microbial action of the effluent tracking through the system.

The consultants for the project are the Wildfowl and Wetlands Trust (WWT) based at Slimbridge, Glos. A number of reed beds exist at the wildfowl visitor centre, taking effluent waste from the restaurant and up to 200,000 visitors per year, as well as cleaning dirty water from numerous bird pens housing thousands of birds. From personal experience I can assure Members that there is no detectable odour from any of these reed beds. WWT's other 8 visitor centres across the UK, plus zoos and other establishments, also use successful similar systems to treat effluent.

The applicants have stated that periodic de-sludging would be undertaken by vacuum tanker and disposed of to conventional treatment works. This process takes place under water to eliminate any odour using a suction hose to a sealed tanker. It would also eliminate the likelihood of damage to the bentonite clay liner. A requirement for a method statement for this aspect of the process, including the likely frequency of de-sludging, could be secured by condition. In the unlikely event of a statutory nuisance being established, Environmental Health officers could take action under Environmental Protection legislation. However, the Head of Environmental Health and Trading Standards has not raised any concerns about this.

Some objectors expressed worries that the pools would attract insects which might spread disease. The consultants have stressed that the proposed system would mimic natural, mobile, aerobic aquatic habitats, and would not offer the stagnant water necessary for excessive insect numbers, and that there is no risk of disease being caused by the development.

Biodiversity enhancement

- 6.16 The scheme would be specifically designed to attract wildlife. The combination of pools, reed bed and wet grassland would offer appropriate vegetation to benefit a variety of animals, birds, reptiles and amphibians, all of which would assist in maintaining a natural balance of plants and insects and preventing any excessive populations. This would satisfy Herefordshire Biodiversity Action Plan (BAP) targets and help to reinstate diminishing wetlands. Appropriate site maintenance would ensure a potential to create valuable habitat not currently available in the vicinity. A number of UDP policies support habitat creation and biodiversity enhancement in accordance with the principles of PPS9. Although much of the system would be fenced off for safety reasons, the final wildlife pond could also provide supervised educational benefit.

7 Conclusion

- 7.1 The school is anxious to establish a successful and sustainable solution to its sewerage problems, and the concerns raised by local residents have been taken seriously and considered very carefully, including lengthy and detailed discussions with appropriate professional bodies. The school has no desire to create a system that would cause further problems it would then have to deal with. The applicants have gone to very

considerable trouble to engage with the local community, holding a public meeting and being willing to discuss any issues arising. The redesign of the wetland system in accordance with neighbours' and the parish council's suggestions has been willingly undertaken despite considerable cost implications. There is sympathy for people's fears, but the revised design would take the system further from the nearest residential property at Jasmine Cottage and would not be visible from there. Reed-bed technology is tried and tested and does not normally produce environmental problems.

7.2 The Environment Agency's concerns have been exclusively related to the technicalities of the final discharge and the terms of the application for consent from them. Following negotiation and discussion, the requirements of PPS10, PPS23 and Circular 03/99 can be observed, as noted in paragraph 6.14 above. The extensive discussions between the Environment Agency, the applicant and their consultants have resulted in agreement on a final discharge to watercourse, subject to the appropriate easement and consent being finalised. All other matters raised have been considered and taken account of, including that the development would be appropriate in this location. I am therefore satisfied that there would be no adverse environmental effects from this proposal, and there are no other overriding concerns that would warrant refusal or be able to withstand an appeal. Conversely there would be a number of sustainable environmental benefits as outlined above, therefore the application is recommended for approval, subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Development in accordance with the approved plans)

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

Pre-commencement requirements

3 Non Standard (Non Standard Condition)

Before the development begins, a scheme for the regular de-sludging of the effluent treatment system shall be submitted to and approved in writing by the local planning authority. The scheme shall specify in particular:

- i) The parts of the system that will require de-sludging;**
- ii) The means by which this will be achieved;**
- iii) The likely frequency that de-sludging will be necessary for each of the areas identified at point i);**
- iv) Odour prevention plan;**
- v) Contingency measures including health and safety precautions;**
- vi) Provision for review and revision as necessary.**

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure efficient management of the system and protect the environment in accordance with policies S2, DR1, DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

4. Non Standard (Non Standard Condition)

Before the development hereby permitted is brought into use, a Method Statement for inspection and monitoring of the system, at least for an agreed initial period, shall be submitted to and approved in writing by the local planning authority. The Method Statement shall include in particular:

- i) The appointment of a named responsible person/s to monitor the system for a specified period;
- ii) Details for regular visual checks of the entire sewerage system including all equipment, infrastructure, apparatus and machinery;
- iii) Items to be monitored (e.g. pump noise, water levels, surface drainage, odour inspections, system efficiency etc)
- iv) Frequency of checks and method of reporting, such as a Site Diary;
- v) Contingencies for rectifying any points of concern;
- vi) Provision for periodic review of operational systems and updating of the monitoring scheme when necessary;
- vii) Provision for record-keeping and availability.

Unless otherwise agreed in writing in advance by the local planning authority, the Method Statement shall be implemented as approved, and the records shall be made available during normal office hours on request, by officers of Herefordshire Council or the Environment Agency.

Reason: To ensure the system is effectively monitored and reported on, and to comply with policies S2, DR1, DR4, DR6, DR7 and DR9 of the Herefordshire Unitary Development Plan 2007.

5 G04 (Protection of trees/hedgerows that are to be retained)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6 G05 (Pre-Development tree work)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

7 Non Standard (Non Standard Condition)

No development shall take place until details and specifications for surfacing the carparking area shown on drawing ref Drawing ref AWM7F5-0508-V23 revision 23 dated 26.08.08 have been submitted to and approved in writing by the local planning authority. The details shall specify in particular:

- i) That the surface will be permeable and not require any surface drainage;

- ii) Materials to be used;
- iii) Construction method;
- iv) Boundary treatment;
- v) Details of hedging or other screen planting;

Unless otherwise agreed in writing in advance by the local planning authority, the car-parking area shall be constructed and maintained in accordance with the approved details and shall not be brought into use until its construction has been completed to the written satisfaction of the local planning authority.

Reason: In order to achieve a satisfactory form of development and to comply with policy DR3 of the Herefordshire Unitary Development Plan 2007.

8 I33 (External lighting)

Prior to the commencement of the development hereby permitted, full details, including a plan and design drawing, of all external lighting to be installed in the car parking area shall be submitted to and be approved in writing by the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 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 H30 (Travel plans)

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

Restrictions and Requirements

11 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

12 G06 (Remedial works to trees)

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

13 E03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

[Note: ND03 should be used in conjunction with this condition].

14 Non Standard (Non Standard Condition)

Unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency, there shall be no discharge to any waste water treatment plant or watercourse other than in accordance with:

- Drawing ref AWM7F5-0508-V23 revision 23 dated 26.08.08;
- Revised Project Overview (GSL environmental Services Ltd) dated 25th August 2008.

Reason: To prevent pollution of the water environment and to comply with policies SR2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

15 Non Standard (Non Standard Condition)

Unless otherwise agreed in writing in advance by the local planning authority, all the proposed engineered water treatment features indicated on drawing ref AWM7F5-0508-V23 revision 23 dated 26.08.08 shall be constructed using a sealed bentonite clay liner and there shall be no effluent discharge to ground or soakaway.

Reason: To prevent pollution of the water environment and to comply with policies SR2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

16 Non Standard (Non Standard Condition)

Prior to being discharged into any watercourse, wetland treatment or soakaway system, all surface water drainage from parking areas and associated hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent pollution of the water environment and to comply with policies SR2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

17 Non Standard (Non Standard Condition)

The part of the development hereby permitted that relates to the extension to car parking shall only be implemented in lieu of planning permission reference DCNE2004/1430/F.

Reason: For the avoidance of doubt, and to ensure a satisfactory form of development in accordance with policy S2 of the Herefordshire Unitary Development Plan 2007.

Informatives

1 Non Standard

Any discharge to controlled waters will require discharge consent under the Water Resources Act 1991.

2 Non Standard

To ensure the development is capable of being granted a Consent to Discharge by the Environment Agency in accordance with DETR Circular 03/99, no development should begin until the applicants, their assignees or successors have secured a legal agreement with the adjoining landowner for an easement or licence to install, maintain and utilise a discharge pipe and any necessary associated equipment, running from the final point in the effluent treatment system hereby approved on the application site, to an agreed discharge point on a suitable watercourse.

3 Non Standard

Developers should incorporate pollution prevention measure to protect ground and surface water. A range of advice is available including Pollution Prevention Guidance Notes (PPGN) targeted at specific activities and can be accessed at <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

4 Non Standard

Any waste produced as part of this development must be disposed of in accordance with all relevant waste management and environmental legislation. Where possible, the production of waste from the development should be minimised and options for the re-used or recycling of any waste produced should be utilised.

5 Non Standard

If it is proposed to import any waste material to the site for use in the construction of the development (e.g. in the construction of hardstandings or access tracks etc) an Environmental Permit (or Exemption from such) may be required. Please telephone 08708 506506 for further information if necessary.

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

7 N19 Avoidance of doubt - Approved Plans

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

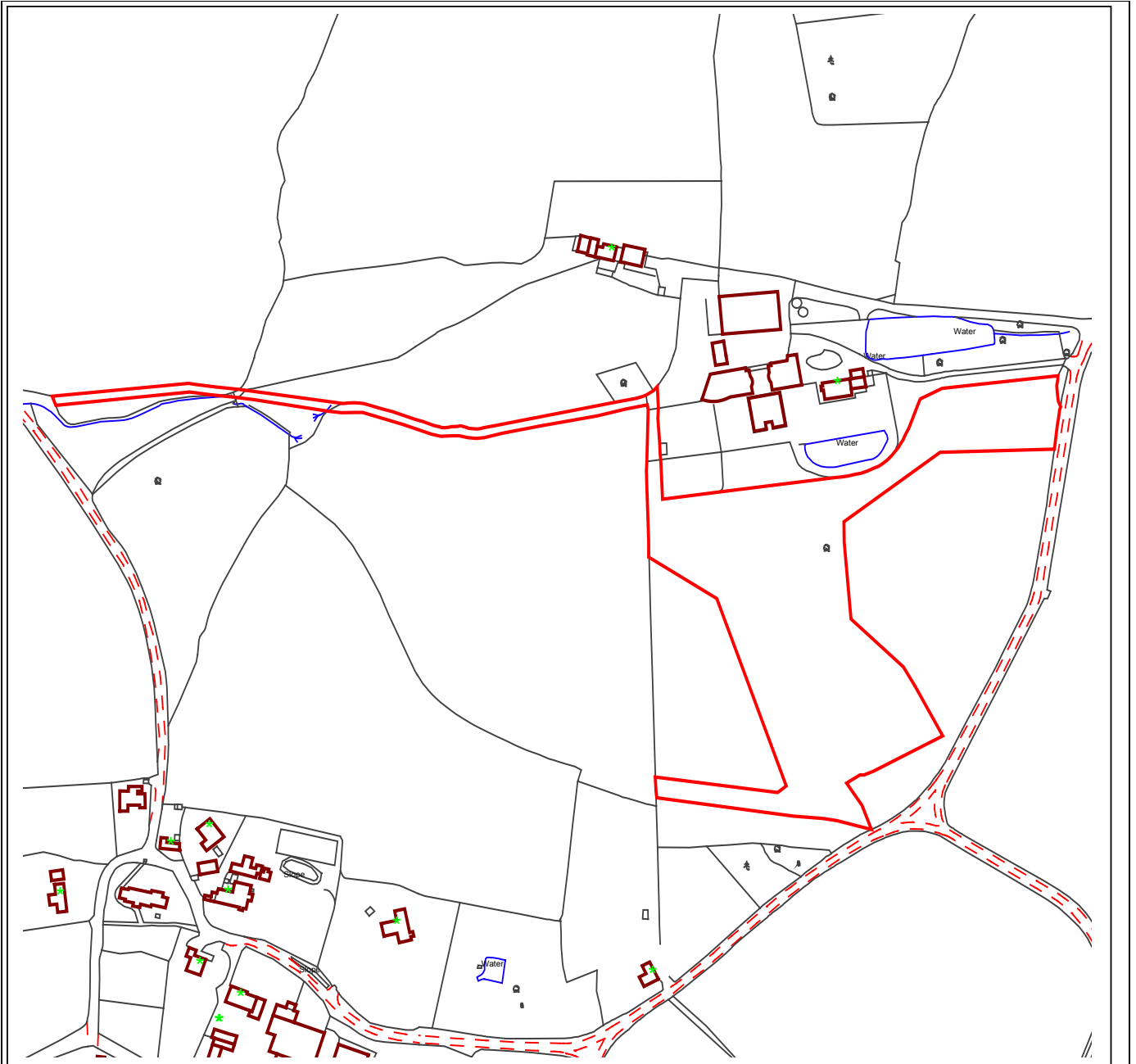
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2008/0830/N

SCALE : 1 : 3500

SITE ADDRESS : Coddington Court School, Coddington, Ledbury, Herefordshire, HR8 1JL

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9 DCNW2008/1915/F - RESIDENTIAL DEVELOPMENT COMPRISING 10 NOS. AFFORDABLE HOUSING UNITS, CAR PARKING, SHARED ACCESS AND LANDSCAPING ON LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

For: Mrs S Rivers, Elgar Housing Association per Halsall Lloyd Partnership, 98-100 Duke Street, Liverpool, L1 5AG.

Date Received: 24 July 2008

Ward: Bircher

Grid Ref: 44275, 61310

Expiry Date: 23 October 2008

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site is a parcel of land 0.38 hectares in size and is pasture land. The site is located on the North side of C1036, opposite the fire station and immediately to the west of the existing affordable housing development known as Kingsleane. The land is in a position elevated above the height of the highway with a mature hedge forming the boundary.
- 1.2 The application site lies within the Kingsland Conservation Area, and is designated in the Unitary Development Plan as a Special Wildlife Site. The site lies outside of the village settlement boundary as defined by policy H4 of the Herefordshire Unitary Development Plan (2007).
- 1.3 The proposal is for the erection of 10 affordable houses comprising 4 x 3 bed dwellings and 6 x 2 bed dwellings. Six of these units would be for rent and 4 for shared ownership.
- 1.4 The site would be accessed using the existing access to Kingsleane. A pair of semi-detached dwellings (no's 9 and 10) would be sited nearest the C1036 with a green space and proposed planting and green space. A mixed hedgerow would front the site at a height of 3 to 3.5m above field level. The further 8 dwellings (1-8) would be sited in a linear form to the northern half of the application site with parking within their front garden/curtilage area. A new hedge would be planted to the western boundary with a field gate retained at the end of the new road serving the development into the remainder of the field.
- 1.5 The proposed dwellings would take the form of two pairs of semi-detached properties and two terraces of three dwellings. The buildings would be constructed of orange - red bricks similar to Kingsleane, with plain tiles to the roof and timber windows (painted white). The dwellings would be one and a half storey style dwellings, using dormer and velux windows. The eaves heights of the dwelling number 1 - 6 would be 4.5m with a

ridge height of 7.5m. Dwelling numbers 7 - 10 would have an eaves height of 5m and ridge height of 8.7m.

2. Policies

2.1 National Planning Policy

Policy PPS1 – Delivering Sustainable Development
 Policy PPS3 - Housing
 Policy PPS7 – Sustainable Development in Rural Areas
 Policy PPS9 – Biodiversity and Geological Conservation
 Policy PPG15 – Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy H4	-	Main Villages: Settlement Boundaries
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H9	-	Affordable Housing
Policy H10	-	Rural Exception Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H19	-	Open Space Requirements
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and development
Policy NC4	-	Sites of Local Importance
Policy NC6	-	Biodiversity Action Plan priority habitats and species

3. Planning History

- 3.1 92/418 - Erection of ten dwellings and estate road - approved with conditions on the 4 February 1993. Also an associated Section 39 agreement (under the Wildlife and Countryside Act 1981) to manage the adjoining land for a period of 10 years, expiring 3 February 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 River Lugg internal drainage board makes the following comments:

I wish to advise that the site lies outside the boundary of the Board's area, adjacent to the developed area of Kingsland, therefore it is beyond our remit to comment formally

in this instance but we have some concerns that there should be no increase in the flood risk in the area as a result of these proposals.

I would therefore advise consultation with the Environment Agency regarding the Flood Risk of the Site and that an appropriate Flood Consequences Assessment is undertaken as required under PPS 25 - 'Development and Flood Risk' in order to demonstrate that the proposed development is not placed at risk and does not increase the flood risk of adjacent developments.

It should also be noted that any surface water discharges off-site (if any) should be to a 1:100 year standard accompanied with Greenfield Discharge Rates."

Internal Consultations

4.2 The Transportation manager raises no objections to the proposal and recommends conditions.

4.3 The Strategic Housing Manager makes the following comments:

"Strategic Housing fully supports this application to provide 10 affordable units, 6 for rent and 4 for shared ownership, to meet an identified housing need in Kingsland. These dwellings will be built to Housing Corporation Design and Quality Standards and Lifetime Homes Standards as well as achieving a minimum code level 3 for sustainable homes. Thereby providing a supply of good quality housing which will help to improve the housing conditions in Herefordshire.

These units will assist in meeting Herefordshire Council's Corporate Priority - sustain thriving communities, by addressing the affordability of housing within Herefordshire, contributing to the rural renaissance by providing pathways of choice of housing tenure in the village. These units will also help to retain the local population within the village and support local services including shops, schools and public transport.

These dwellings will be subject to a S106 that will state that the affordable housing units will be allocated to applicants with a local connection to Kingsland in the first instance. The shared ownership units will be capped at 80% thus keeping them affordable in perpetuity.

These units will also contribute to the affordable homes target set out in the Herefordshire Unitary Development Plan (2007).

4.4 The Conservation Manager makes the following comments:

(Historic Buildings)

Considering the principle of development:

1. The settlement pattern is clear. The main part of the village takes a distinctly linear form, which is the basis of the planning settlement boundary.
2. Outside the linear form there is a looser, amorphous node at West Town, and a smaller node at Kingsleane, but other wise development is small scale and scattered.

3. All of the parts of the village noted above are inside the conservation area. A crucial element in the character of the area is the balance between space and settlement. The three parts are separated by open fields, which give each part a distinctive and separate character, and the whole a distinctly rural openness.
4. The expansion of the Kingsleane group would detract from the essential character of the area. It would significantly reduce the separation between West Town and Kingsleane and therefore be counter to the character of the area. It would be a form of ribbon development in a part of the area where it is important to retain the open fields as the setting of the nodes of the village.
5. In addition the proposed development would link Kingsleane with the fire station and significantly increase the overall scale and impact of the built form.

Considering the site plans:

1. The previous development works quite well because of the formal approach to the corner site, which is dominated by the green space. This presents a variety of building forms in any single view and generally plays down the parking.
2. The submitted scheme occupies a frontage of significant width, in terms of frontages as a whole in the village, and presents a layout dominated by road and parking.
3. The proposed built forms are poorly related to the adjacent formal development and yet lack the small scale and variety of the informal village development elsewhere. This would be reinforced by the suburban cul de sac form of the layout which would have an estate-like character that would be out of keeping with the rural context of this part of the village. Not only would the scheme erode the sense of space of the area, it would be at odds with the traditional pattern of development in the conservation area.
4. Tacking this scheme on to Kingsleane would spoil its carefully considered form. The proposals would erode the space around Kingsleane, which is the key to its visual quality, and introduce a suburban form of development that would appear incongruous.

On balance, the character and appearance of the conservation area would not be preserved or enhanced by the development, and it is difficult to see how the proposal is in any sense exceptional and worthy of a departure from the established policy.

Refusal is recommended

4.5 (Ecology)

Thank you for consulting me on the above application. I visited the site last year as part of pre-application enquiries, and also received a copy of the ecological report for the site by Worcestershire Wildlife Consultancy dated July 2007 at that time. My comments at that stage [19th October 2007] were as follows:

I visited the site last Friday. Although it is not an appropriate time of year to assess vegetation, I recorded 29 of the species found by the Worcestershire Wildlife Consultancy in June 2007.

The owners are aware that the field is a Special Wildlife Site. I do not have any reason to change the assessment of the site as an unimproved hay meadow, although it may not have been managed for its nature conservation status in recent years. UDP Policy NC4 states that development on such sites will not normally be permitted unless the reasons for development clearly outweigh the need to safeguard the nature conservation interest. I do not feel that this is the case with this application enquiry. The criteria for designation of Special Wildlife Sites will be updated at some time in the future, but until such time it will not be possible to un-designate sites such as this.

Lowland meadow and pasture is also a Biodiversity Action Plan habitat and is increasingly under threat from agricultural intensification. This field is typical of Cynosaurus-Centaurea grassland. Development resulting in a threat to a habitat listed in the Herefordshire BAP will also not normally be permitted, as stated in UDP Policy NC6.

I have visited the site again, and note that the field is still being managed as a hay meadow. I do not expect that the species composition will have changed significantly in the intervening period. I would however state that with a one-off survey at a single time of year, some species will inevitably be missed that might be found earlier or later in the season.

My comments must remain as previously, in that I do not have any reason to change the assessment of the site as an unimproved hay meadow, and that the Special Wildlife Site status of the meadow will also not be changed. I note the research that has been undertaken with regard to other meadows in the Kingsland area, but feel that this only serves to reinforce the premise that this is an important biodiversity resource within the locale, and that it should therefore be preserved. The network of these habitats in this part of the county is part of its ecological value. Grassland habitats have also undergone a significant decline in extent over the past decades, and further loss cannot be supported. This is the case whether or not the site is a Special Wildlife Site.

The NERC Act 2006 states that a Local Authority must have regard for conserving biodiversity in exercising its functions. PPS9 states that Local Sites have a fundamental role to play in meeting overall national biodiversity targets, contributing to the quality of life and the well-being of the community. As far as Herefordshire Council is concerned, this includes the 'wider community' of the county of Herefordshire. I therefore cannot support this application, as it will result in a decrease in area of Special Wildlife Site, a loss of lowland meadow (BAP) habitat and it is contrary to Herefordshire Council's UDP Policies NC4 and NC6.

4.6 (Landscape)

Awaiting comments – an update will be made verbally

4.7 The Forward Planning Manager makes the following comments:

Settlement boundary

The proposed site falls outside of, and is not adjoining to, the settlement boundary of Kingsland; and in that respect is contrary to Policy H4 which states that residential development outside of the defined settlement boundaries will not be permitted, unless it comes forward under the rural exceptions approach (Policy H10) (UDP para 5.4.37) - where 'exceptionally' affordable housing may be permitted on land which would not

normally be released for development, providing that the scheme contributes to meeting a proven, genuine and quantifiable local need for affordable housing.

While a need for 14 no.affordable homes has been identified by the Kingsland Housing Needs Study - March 2006; a windfall site ('Croftmead') has come forward within the settlement boundary of Kingsland, which has planning approval for 15 dwellings, 5 of which are allocated for affordable housing - although unimplemented it does meet some of the need outlined in the Housing Needs Survey.

Rural exception schemes must also take full account of environmental considerations and avoid sensitive locations where development would not be permitted for reasons of landscape and visual impact (UDP para 5.5.18); which is salient given that the proposed site falls within a conservation area and special wildlife site.

Conservation Area and Special Wildlife Site

Policy NC4, states that development proposals which could directly or indirectly affect a 'Special Wildlife Site' or 'Site of Importance to Nature Conservation' will not be permitted unless it can be demonstrated that there would be no harm to the conservation value of the site; that appropriate mitigation and compensatory measures could be taken in accordance with Policy NC7; or that the reasons for the development outweigh the need to safeguard nature conservation, therefore views from our Planning Ecologist are important. Furthermore, Policy HBA6 states that development within conservation areas will not be permitted unless it preserves or enhances its character or appearance.

It should also be noted that the site is in close proximity to a scheduled ancient monument; therefore the views of both the conservation officer and landscape officer should be sought.

Rural setting

The proposed site is located in an area that has a poor relationship with Kingsland, is open and rural in nature and is sporadic in terms of its development. In that respect, it should be considered whether rural exception development is suitable at this location, or whether it would be an inappropriate encroachment into open countryside, resulting in the loss of a green break in the southern part of the village and the risk of a repeat of the linear pattern of development as on North Road. In addition, the site is situated away from the main centre of the village, thus increasing the need to travel by car.

Furthermore, as evident in paras 5.40.65 - 5.40.66 of the UDP Inspector's Report 2006, the Inspector did not believe the site to be suitable for an affordable housing development because of its peripheral location in the village.

Housing mix

The site proposed for the development of 10 no. affordable houses is located adjacent to the existing Kingsleane development, which also includes affordable housing units. The proposed development would therefore result in a cluster of affordable housing units in one location, instead of dispersing affordable housing amongst those that are privately owned - termed as 'pepper potting.' The SPG on the provision of affordable housing in Herefordshire (March 2001; updated November 2004), specifies that an affordable housing cluster should consist of no more than 6-8 units, which should be negotiated between the RSL, developer and the local authority (para 6.2). The

proposal therefore would exceed this, especially when considering the existing Kingsleane development.

Summary

In principle the proposal is contrary to policy, therefore this application for affordable housing is not supported in policy terms.

4.8 The Parks and Countryside and leisure manager makes the following comments:

On a development of 10 units, UDP policy H19 requires a small toddlers play area. Forward Planning have agreed that "affordable" housing are included within this requirement as it is "policy" although this is not made clear in the SPD on Planning Obligations.

On this development it is assumed given the information provided that although there is a small open space on site, there is no provision for play. This is to be supported as a play area of this size offers little in play value and is costly to maintain. Therefore, as compensation an off site contribution is requested. In this instance we would request that the contribution is used towards improvements at the nearby Millennium Park, maintained by the Parish Council, which would benefit from additional play equipment as it currently only offers a few pieces for younger children.

It is understood that this development includes 4 x 3 bed and 6 x 2 bed dwellings. Excluding the first bedroom of each unit as this facility is for children and young people and based on the SPD on Planning Obligations fig 10 this equates to 12,350. (4 x 1,640 + 6 x 965). This includes both development and maintenance costs pro rata)

5. Representations

5.1 Kingsland Parish Council makes the following comments:

A majority of Kingsland Parish Council voted against the proposed development on the land adjoining Kingsland for the following reasons:

1. The proposed affordable housing is outside the settlement boundary and extends an existing exception site. The Council believes that affordable housing should be more integrated with the rest of the village.
2. Kingsland Parish Council is aware of several existing developments which will lead to new housing stock being available. Planning permission has been granted on the land at Croftmead for 5 affordable properties, Stableton House is being converted into 4 small properties which the Council understand are being developed for long-term rental, and the development at Showers Farm includes several smaller properties. The impact of this additional housing needs to be understood before being able to consider an application for an exception site such as the land adjacent to Kingsleane.
3. An exception site for affordable housing has already been provided to Kingsleane, and the Council is concerned that using the land adjacent will encourage further ribbon development in this area of the village.

Kingsland Parish Council was unanimous in making the following observations regarding the provision of affordable housing in the village.

1. Kingsland Parish Council believes that the affordable housing scheme at Kingsleane has been well executed and maintained. However, the Council was concerned that people with a strong tie to Kingsland could not be guaranteed a property at the development. For example, two members of the public from Kingsland who attended the meeting said they had been registered with the relevant Housing Association for nine years and five years, yet had not been successful in obtaining a property at Kingsleane. At the same time, the Council understands that people without a tie to the village have been provided with a property at Kingsleane.
 2. As a result, Kingsland Parish Council supports the development of affordable property for people with links to the village, but is concerned that the qualifying criteria used to prioritise applications for the properties means that eligible Kingsland people may lose out to people outside the village. There seems to be no guarantee that a tie to Kingsland will always receive a higher priority over people from outside the village.
 3. Kingsland Parish Council is concerned that the provision of affordable housing using the current qualifying criteria and prioritisation process may have the unintended consequence of bringing in people from outside the village without necessarily resolving the housing requirements of the existing population.
- 5.2 One letter of objection has been received from Mr and Mrs R Smith, Kingsland House, Kingsland whose comments can be summarised as follows:
- Question the need for further affordable housing in Kingsland. Notes the inclusion of 5 more homes at Croftmead development, which although has not yet been completed, has permission and will satisfy need for the foreseeable future.
 - Disagree with the suitability of the site. The site is outside of the curtilage of the village in which infill and other development might ordinarily be considered as per the Herefordshire Unitary Development Plan (2007).
 - The site is also a Special Wildlife Site.
 - Increased sewerage and run-off from hardsurfacing may cause further flooding problems locally.
 - The proposed development will inevitable cause additional traffic and that they will use local services as well as services in Ludlow and Leominster. This will lead to additional traffic burden in the village.
- 5.3 Twenty letters of support have been received. These comments can be summarised as follows:
- Fully support the development that will provide affordable accommodation to young families.
 - Kingsland has high property values and a village school to support.
 - The plans look well designed and researched and show great sensitivity to the needs of the community and local environment.
 - This will help young and future generations stay in the village and near to family.
 - There are plenty of facilities locally - doctors, school village hall, post office, pub and local shop as well as sports facilities at Luctonians Sports Club.
 - The village has turned into a place only the retired can afford.

- The proposal could help maintain the viability of Kingsland School (currently 140 children on roll).
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The key areas for consideration are:

1. The principle of development
2. The need for Affordable Housing / Social Exclusion
3. The impact on the character and appearance of the Conservation Area
4. Impact on the Landscape Character of the area
5. The impact on the Special Wildlife Site
5. Open Space Provision
6. Highway Safety

The principle of development

- 6.2 This greenfield application site lies outside of, and is not adjoining, the defined settlement boundary of the village of Kingsland. Policy H7 of the Herefordshire Unitary Development Plan (2007) that residential development outside of defined settlement boundaries will not be permitted, unless it comes forward under the rural exceptions approach as per Policy H10 of the Herefordshire Unitary Development Plan (2007) – where exceptionally affordable housing may be permitted in land, within or adjoining an established rural settlement, which would not normally be released for development, providing that the scheme contributes to meeting a proven, genuine and quantifiable local need for affordable housing.
- 6.3 Rural exception schemes must also take full account of environmental considerations and avoid sensitive locations where development would not be permitted for reasons of landscape and visual impact (UDP para 5.5.18); which is salient given that the proposed site falls within a conservation area and special wildlife site.
- 6.4 The proposal includes appraisal and consideration of three alternative sites in Kingsland as follows:
- Land between shrublands Corner (Longford) and the Post Office
 - Land Adjacent to Boarsfield (either side of the C1039 Class III road)
 - Land opposite Coronation Hall
- 6.5 The application has dismissed the suitability of these site for varying reasons, including impact on the approach to the village, distance to facilities, landscape impact and highway safety. Council Planning Officers and the relevant consultees have not been involved in the assessment of these sites and is not satisfied that all potential sites have been fully explored or considered.

The need for affordable housing

- 6.4 The Councils Strategic Housing Manager has offered full support for this proposal and is satisfied that this meets an identified need in the locality. There has also been significant local support for more affordable housing within the village.

- 6.5 The site would adjoin an existing development of 10 affordable dwellings at Kingsleane. The Councils Forward Planning Manager has raised concern about the cumulative effect of two exception sites that would result in a cluster of affordable housing units in one location, instead of dispersing affordable housing amongst those that are privately owned - termed as 'pepper potting.' The SPG on the provision of affordable housing in Herefordshire (March 2001; updated November 2004), specifies that an affordable housing cluster should consist of no more than 6-8 units, which should be negotiated between the RSL, developer and the local authority (para 6.2). The proposal therefore would exceed this and this volume of affordable houses concentrated together would create an unbalanced community, not in conformity with the integrated communities objectives of policy S3 of the Unitary Development Plan. The proposal would potentially have a ghettoisation effect, creating a community physically and socially detached from the rest of the village.

The impact on the character and appearance of the Conservation Area

- 6.6 The local planning authority has a duty to preserve or enhance the character and appearance of the conservation area. Whilst development within Conservation Areas is not completely precluded, any new development must compliment or contribute to the character and appearance.
- 6.7 The Conservation Manager has strongly objected to this development and these reasons are outlined in section 4 above. These objections relate both to the spread of development and subsequent detrimental change to the character of the village creating a form of ribbon development in a part of the area where it is important to retain the open fields and setting of the village. Having regard to the concerns expressed, the proposal would clearly fail to preserve or enhance the character and appearance of the Conservation Area and would be contrary to policy HBA6 and LA3 of the Herefordshire Unitary Development Plan (2007) and guidance contained within PPG1 5 – Planning and the Historic Environment.

Impact on the Landscape Character of the area

- 6.8 The site is a greenfield site, currently benefiting from high hedgerows along its boundary with the highway. It is a particularly important site on the approach to the village, where the built development is still sporadic. The introduction of built form, on this approach would not only be harmful to the character of the Conservation area but also to the important open landscape character of this approach and setting of the village. Policy LA3 of the Herefordshire Unitary Development Plan (2007) expressly states that important visual approaches into settlements, views of key buildings, open areas into development, green corridors, ridgelines and valued open countryside will be protected and, where necessary, enhanced. The proposed development is contrary to this policy and to policy LA2 that seeks to protect the landscape from development that would adversely affect the overall character of the landscape. It is not considered that a landscaping scheme could mitigate against the harm that the introduction of built form would have in this prominent and important location.

The impact on the Special Wildlife Site

- 6.9 The site that is the subject of this application was, as part of the 1994 approval of the dwellings at Kingsleane, part of a parcel of land that was designated for wildlife management with a Section 39 agreement. This agreement to manage the land for this purpose expired in 2003. Nonetheless the site would appear to still benefit from the wildlife interests and has been designated as a Special Wildlife Site, despite the

agreements expiration, the designation still stands. The Councils ecologist has therefore identified that the site benefits from a local designation and is also identified as a Lowland Meadow and pasture (unimproved grassland) within the Councils Biodiversity Action Plan. Policies NC4 and NC6 seek to protect such sites from development.

- 6.10 The introduction of development is therefore strongly resisted in this instance and the Conservation Managers comments (Ecology) in section 4 clearly outline these reasons. As such the proposal is considered contrary to policies NC4, NC6 of the Herefordshire Unitary Development Plan (2007) and to guidance contained with PPS9 – Biodiversity and Geological Conservation.

Open Space Provision

- 6.11 Herefordshire Unitary Development Plan (2007) policy H19 requires the provision of open space (small children's / infants play area, properly equipped and fenced) on schemes of 10 –30 family dwellings. This proposal, for 10 dwellings does not include provision of this. The parks and Countryside Manager requests that an off site contribution may be more appropriate. Although the applicant was made aware of this in pre application discussions, the draft heads of terms included with the application does not make reference to this financial contribution. On this basis the scheme fails to make the required provision of policy H19 of the Herefordshire Unitary Development Plan (2007).

Highway Safety

- 6.12 The proposal would involve the intensification of the use of the existing access but raises no highway objections or concerns.

Conclusions

- 6.13 The need and desire for additional affordable housing in the locality is accepted but notwithstanding this the Local Planning Authority has to consider the suitability of the site having regard to other environmental and geographical factors. As outlined above, the proposal would give rise to objection in relation to its impact on the Conservation Area, Landscape and ecological qualities. It is considered that the need for affordable housing cannot, in this instance, outweigh the Councils obligation to protect its natural and built environment in such sensitive areas. There is also concern that the siting of what would amount to 20 affordable houses (with two side by side exception sites) would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community. As such, the proposal is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason(s):

- 1. The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland. Consequently, the proposal does not comply with policy H10 of the Herefordshire Unitary Development Plan (2007).**
- 2. The proposed development fails to preserve or enhance the character and appearance of the conservation area contrary to policy HBA6 of the**

Herefordshire Unitary Development Plan (2007) and to guidance contained with PPG15 – Planning and Historic Environment.

- 3. The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality of the area contrary to Policy LA2 of the Herefordshire Unitary Development Plan (2007). The introduction of built form in this location would harm the setting and approach to the village contrary to policy LA3 of the Herefordshire Unitary Development Plan (2007).
- 4. The application site is designated as a Special Wildlife site and is recognised as unimproved hay meadow. As such the introduction of development would be contrary to the aims of policies NC4 and NC6 of the Herefordshire Unitary Development Plan (2007) and guidance contained within PPS9 – Biodiversity and Geological Conservation.
- 5. The proposal, when considered in relation to the adjacent affordable housing site known as Kingsleane, would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community, contrary to policies S1 and S3.
- 6. The proposed development fails to make provision for or in lieu of a small children’s /infants play area, properly equipped and fenced and therefore fails to meet the criteria of policy H19 of the Herefordshire Unitary Development Plan (2007).

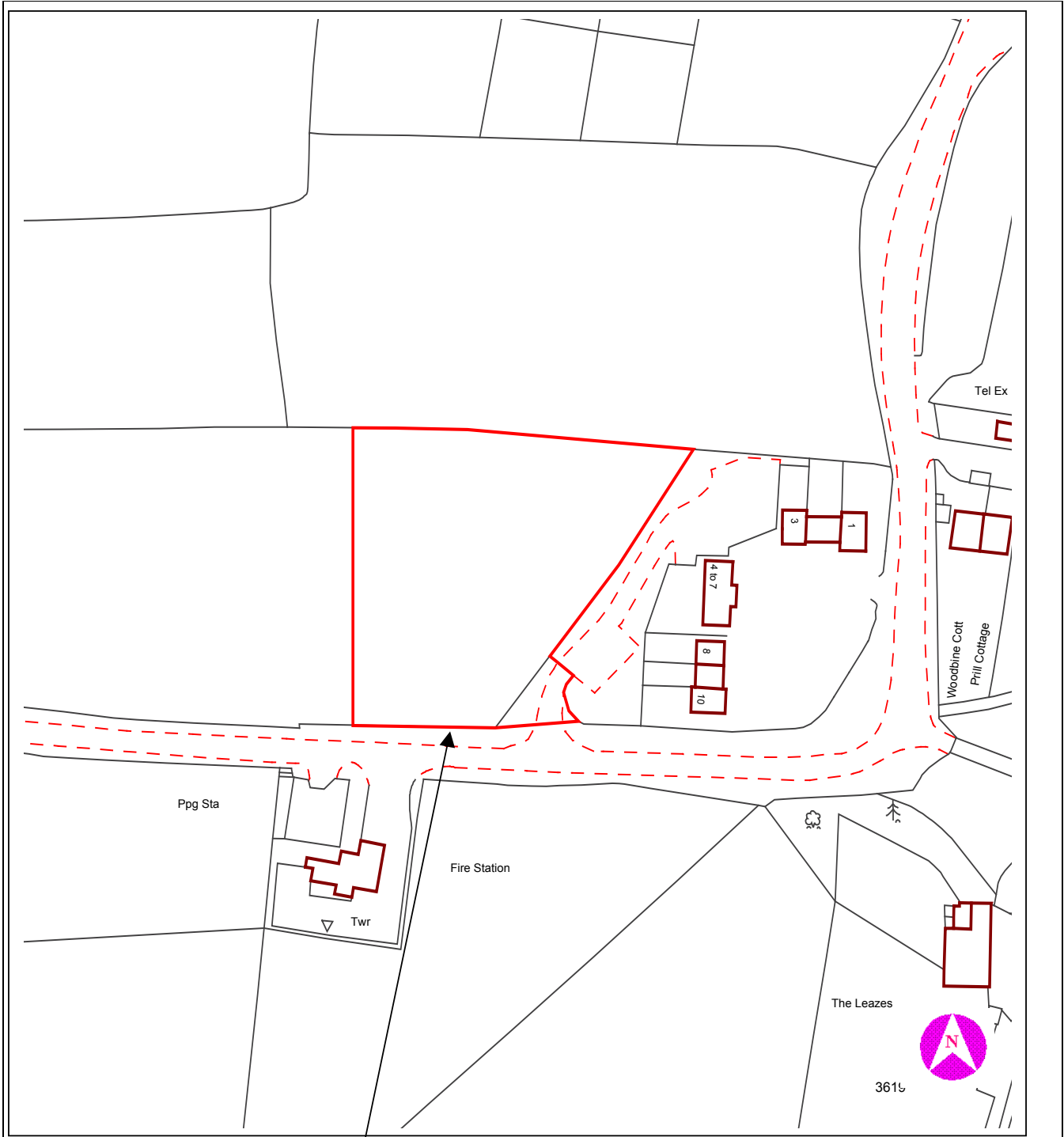
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCNW2008/1915/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjoining Kingsleane, Kingsland, Leominster, Herefordshire, HR6 9SP

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