

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 24th September, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Ricky Clarke, Democratic Services Officer, Tel
01432 261885
e-mail rclarke@herefordshire.gov.uk*

Herefordshire Council

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

Councillors LO Barnett, WLS Bowen, 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 - 10
To approve and sign the Minutes of the meeting held on 27 August 2008.	
4. ITEM FOR INFORMATION - APPEALS	
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	

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.

- | | |
|---|----------------|
| <p>5. DCSE2008/1950/F AND DCSE2008/1951/C - LAND TO THE REAR OF BARGATES AND OFF WESTFIELD WALK, LEOMINSTER, HEREFORDSHIRE.</p> <p>Proposed demolition of garage blocks and erection of 10 houses, parking and improvements to access.</p> | <p>11 - 24</p> |
| <p>6. DCNC2008/1881/F - 22 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ.</p> <p>Proposed redevelopment of site with 8 flats</p> | <p>25 - 38</p> |
| <p>7. DCNE2008/1738/F AND DCNE2008/1739/L - HOMESTEAD, MOOREND CROSS, MATHON, MALVERN, HEREFORDSHIRE, WR13 5PR.</p> <p>Proposed entrance and conservatory, removal of existing outbuildings rebuild new garage.</p> | <p>39 - 44</p> |
| <p>8. DCNW2008/1807/F - LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ.</p> <p>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.</p> | <p>45 - 50</p> |
| <p>9. DCNW2008/1971/F - THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.</p> <p>Proposed new cottage and detached garage.</p> | <p>51 - 58</p> |
| <p>10. DCNW2008/1741/F AND DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ</p> <p>Proposed conversion into nine apartments, including new stair tower.</p> | <p>59 - 72</p> |
| <p>11. DATE OF NEXT MEETING</p> <p>22 October 2008
19 November 2008</p> | |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

Please Note:

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

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

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

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

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 27 August 2008 at 2.00 p.m.

Present: 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,
R Mills, RJ Phillips, A Seldon and J Stone

COUNCILLOR RBA BURKE

Members stood for a silent tribute in memory of Councillor RBA Burke who recently passed away.

36. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PM Morgan, A Seldon, RV Stockton and JK Swinburne.

37. DECLARATIONS OF INTEREST

7. DCNC2008/1027/F & DCNW2008/1233/F - MORRISON SUPERSTORE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH.
Mark Tansley; Prejudicial.
8. DCNC2008/1824/O - PINSLEY WORKS, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX.
Mark Tansley; Prejudicial.

38. MINUTES

Councillor WLS Bowen requested confirmation that an informative note had been added to the decision notice in respect of minute number 31, regarding preservation of the remaining structure of the original mill.

The Democratic Services Officer advised members of an error in resolution ii of minute number 34. He read out the correct wording and requested that the minutes be amended accordingly.

RESOLVED: that subject to the amendment detailed below in minute number 32, resolution ii, the minutes of the meeting held on 30 July 2008 be approved as a correct record and signed by the chairman.

- '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 the reason for refusal referred to above.'

To be replaced with:

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the scheme of delegation to officers be instructed to approve the application subject to such conditions and consultation referred to above.'**

39. ITEM FOR INFORMATION - APPEALS

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

40. DCNW2008/1848/F - KINTON BARN, KINTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LT. (AGENDA ITEM 5)

Proposed Single-storey extension to sitting room.

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

The Local Ward Member, Councillor LO Barnett expressed the view that as the site was surrounded by similar residential developments, the character of the existing dwelling would not be detrimentally effected. She added that, as the proposed extension was not of a significantly large size, she fully supported the development.

Members generally agreed that the proposed development should be allowed on the condition that further development of the site be restricted. Members felt that there was little agricultural history to be preserved by keeping the dwelling in its current state, as the building did not have the outward appearance of an agricultural barn.

RESOLVED

The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services in consultation with the Local Ward Member and Chairman of this Committee provided that the Head of Planning Services does not refer the application to the Planning Committee

If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the scheme of delegation to officers be instructed to approve the application subject to such conditions referred to above.

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

41. DCNW2008/1598/F - LAND TO THE EAST OF LLANSHAY LANE, REEVES HILL. (AGENDA ITEM 6)

Proposed temporary meteorological monitoring mast.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be removed off site within 12 months of construction on site, in accordance with an agreed timetable and site management plan, agreed in writing with the Local Planning Authority prior to any development on site.

Reason: In order to control the form of development on site in consideration of landscape amenity and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

3. I33 (External lighting)

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

4. Prior to any development on site a scheme for ecological mitigation and enhancement which will include a full working method statement will be submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure that great crested newts, nesting birds, wildlife foraging areas and plant species are protected in accordance with Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to comply with the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats and Conservation), Regulations 19943 (as amended).

Informatives:

1. N15 - Reason(s) for the Grant of Planning Permission
 2. N19 - Avoidance of doubt – Approved Plans
 3. HN21 - Extraordinary maintenance
42. DCNC2008/1027/F & DCNW2008/1233/F - MORRISON SUPERSTORE, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH. (AGENDA ITEM 7)
- a) *Variation of condition 5 of permission 900852 and condition 2 of permission 97/0953/N to allow a maximum of 15% of the total sales area of the store to be used for the sale of comparison goods. Removal of condition 3 of permission 97/0953 to allow former crèche to be used as a café.*
 - b) *Proposed extension for additional sales and warehousing area and increased cycle, motorbike and disabled parking spaces.*

The Principal Planning Officer informed the sub-committee of a typing error in Item 7B and said that the application number should contain the letters NC instead of NW. He also informed the sub-committee that the word “extended” should be omitted from the first line in respect of condition one of NC2008/1027/F

In accordance with the criteria for public speaking, Mr Thomas, representing Leominster Town Council, spoke in objection to the application.

Councillor RC Hunt, the Local Ward Member noted that Morrison’s Supermarket was

a very busy outlet. He advised Members that he agreed with the retail planning statement within the report. Finally he pointed out to the sub-committee that there would be an increase in traffic flow but welcomed the section 106 agreement as it made provision to provide sustainable transport measures in Leominster.

Members expressed concern that the economic viability of Leominster Town Centre may be worsened by an extension to the supermarket on the edge of the town but recognised that there was sufficient public demand for the development. Members expressed sadness at the loss of the crèche facility in the store, but were pleased to see that a traffic study had been recently carried out.

Members were concerned regarding non compliance of conditions on a previous planning permission, but on balance were minded to allow the proposed development.

RESOLVED

In respect of DCNC2008/1027/F:

That planning permission be granted subject to the following conditions:

- 1. No more than 15% of the net retail sales area of the store shall be used for the sale of comparison goods (as defined at P.7 of MapInfo's Expenditure Explanatory Volume submitted by the applicant on 29th July 2008) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to ensure the continued vitality and viability of Leominster town centre in accordance with Policy TCR2 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN25 - Travel Plans**
- 4. HN26 - Travel Plans**
- 5. HN27 - Annual travel Plan Reviews**
- 6. HN28 - Highways Design Guide and Specification**

In respect of DCNC2008/1233/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. No more than 15% of the net retail sales area of the extended store shall be used for the sale of comparison goods (as defined at P.7 of**

MapInfo's Expenditure Explanatory Volume submitted by the applicant on 29th July 2008) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the continued vitality and viability of Leominster town centre in accordance with Policy TCR2 of the Herefordshire Unitary Development Plan 2007.

3. C03 (Matching external materials (general))

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

4. 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.

5. H29 ((Covered and secure cycle parking provision))

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.

6. 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.

Informatives:

1. N15 - Reason(s) for the Grant of Planning Permission
 2. N19 - Avoidance of doubt - Approved Plans
 3. HN25 - Travel Plans
 4. HN26 - Travel Plans
 5. HN27 - Annual travel Plan Reviews
 6. HN28 - Highways Design Guide and Specification
43. DCNC2008/1824/O - PINSLEY WORKS, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NX. (AGENDA ITEM 8)

Site for development to form 21 apartments.

The Principal Planning Officer reported the following updates:

- There had been further discussions between the agent and the Public Rights

of Way Manager with regard to the fence forming the boundary between the site and the public footpath. No further written comments had been received and it is therefore recommended that an additional condition be imposed requiring details of it to be agreed before development commences.

- The comments of the Conservation Manager had been received. He objects to the application on the basis that the scheme represents an over-intensive use of the site, its massing incoherent with no rationale for the height changes in the blocks and that they are overbearing in both their form and proportion.
- Nine further letters of objection had been received raising the same points as expressed at paragraph 5.3 of the report.
- Email correspondence had been received from a local resident referring to a recent traffic accident on Pinsley Road. An attached comment from a local police officer advised that this involved a single vehicle which hit a wall and did not involve anyone else other than its driver, who appeared to have lost control of the vehicle.
- The Transportation Manager had commented on the contents of the email and suggested that such accidents will occur, irrespective of whether this development is approved or not, and that it appeared to have occurred as a result of an irresponsible road user.

The Principal Planning Officer made the following comments:

- Condition 7 is included with respect to rail noise and not road noise as stated in the recommendation.
- A 2% surcharge for the monitoring of Section 106 Agreements has been omitted from the Draft Heads of Terms. This amounts to £980.
- In response to the comments of the Public Rights of Way manager in respect of the fence dividing the site and public footpath, it is recommended that an additional condition is included.
- The objections received from local residents and the Conservation Manager are addressed in the Officers appraisal part of the report. No new issues are raised and therefore there is nothing further to add.
- The additional comments from the Transportation Manager deal with the comments in relation to the recent traffic accident. It should be noted that the Draft Heads of Terms Agreement does include a contribution towards highway improvements and it would be reasonable for this contribution to be used for specific highway safety works on Pinsley Road.

In accordance with the criteria for public speaking, Mr Thomas, representing Leominster Town Council, spoke in objection to the application and Mr Tomkins, the applicant, spoke in support.

Councillor RC Hunt, the local ward member, advised the sub-committee that a similar application had been refused in June. He felt that the amended plans before today's sub-committee differed only slightly from the plans presented previously. He added that the Conservation Manager's comments echoed his view that the development would not be in keeping with the existing area. He felt that issues of

highway safety had not been adequately addressed especially considering the history of road accidents in the area.

Members were in agreement that there was a danger of overdevelopment in the area and were concerned that the development made no provision for affordable homes.

In response to a Member's question, the Central Team Leader commented that refusal of the application on grounds of highway safety would be difficult to defend on appeal as there had been no objections from the Highways Department.

Members felt, on balance, that the proposed development was too large and not acceptable for the area and voted to refuse the application.

RESOLVED

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

- 1. Concerns regarding the design of the development**
- 2. Density**
- 3. Impact on the conservation area**
- 4. Highway safety concerns**

If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the scheme of delegation to officers be instructed to refuse the application subject to such reasons for refusal referred to above.

[Note: Following the vote, the Central Team Leader said that he was minded to refer the application to the Head of Planning Services]

44. DCNC2008/1668/F - 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE. (AGENDA ITEM 9)

Variation of condition 3 of planning permission NC2006/1387/F, to allow opening of premises to customers between the hours of 8am to 11pm Monday to Sunday.

In accordance with the criteria for public speaking, Mr Thomas spoke on behalf of Leominster Town Council.

The Local Ward Member, Councillor RC Hunt voiced concerns expressed by local residents at a recent PACT meeting. He said that local people had been complaining of excess noise from, local take away restaurants in the vicinity so could not support this application as it was in a predominantly residential area.

In response to a question from a Member, the Northern Team Leader said that the fact that other takeaway outlets in the local area open until midnight should not influence the decision of the sub-committee.

Members generally agreed that the area described in the report was predominantly residential and that the changing the condition would cause excessive noise disturbance for the residents of Etnam Street.

RESOLVED

That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reason 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 removal of the condition would be detrimental to the predominantly residential area

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

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

45. DCNC2008/1618/F - MILL STONE COTTAGE, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0EB. (AGENDA ITEM 10)

Proposed new garage.

The Local Ward Member, Councillor J Stone, felt that the amended plans were now of a satisfactory standard and that the officer's report had addressed all of his initial concerns and therefore moved the recommendation.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. 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. 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

Informative(s):

1. N03 - Adjoining property rights

2. N14 - Party Wall Act 1996

3. The applicant should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor does it override any legal covenants/restrictions which may pertain to the

land in question. As such, the applicant is advised to contact owners of adjacent properties where these rights may be affected and seek legal advice on the aforementioned matters prior to undertaking any building work.

4. **N19 - Avoidance of doubt - Approved Plans**

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

46. **DCNC2008/1469/F - HAZELDENE, RISBURY, LEOMINSTER, HR6 0NQ. (AGENDA ITEM 11)**

Proposed erection of stable block including change of use of agricultural land to form stable yard

The Senior Planning Officer reported the receipt of a further letter of objection from a neighbouring resident, full details of the letter were included in the update sheet.

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

The Local Ward Member, Councillor KG Grumbley, pointed out that some of the property names were incorrect and would need to be changed. He emphasised that when considering an application of this type, Members should always be mindful of the welfare of animals. He was of the view that this would be a sensible site for a stable and moved the application. He did, however, express concern that not all of the neighbours had been consulted fully.

In response to a question from a Member, the Senior Planning Officer confirmed that there was a condition to ensure that waste was not stored too close to the neighbouring dwellings.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. **F09 (Private use of stables only)**

Reason: In order to safeguard the character and amenity of the area and to comply with Policy S2 of Herefordshire Unitary Development Plan.

3. **C08 (Colour of cladding (stables))**

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. **C07 (Dark roof colouring (agricultural buildings))**

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

5. Prior to any work commencing on the construction of the 'turning out paddock' details of the materials (including colour) intended for the top surface of the paddock and also the height and design of the new post and rail fencing around it, shall first be submitted to and be subject to the prior written approval of the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

6. F13 (Restriction on separate sale)

Reason: The close proximity of the access drive to the stables and Hazeldene is likely to give rise to noise nuisance should they be in separate ownership and having regard to Policy DR13 of the Herefordshire Unitary Development Plan.

7. I16 (Restriction of hours during construction)

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

8. I43 (No burning of material/substances)

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

9. I30 (Restriction on storage of organic wastes or silage)

Reason: To safeguard residential amenity and to comply with Policies DR4 and E13 of Herefordshire Unitary Development Plan.

10. I32 (Details of floodlighting/external lighting)

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

Informative(s):

1. N03 - Adjoining property rights
2. N14 - Party Wall Act 1996
3. N19 - Avoidance of doubt - Approved Plans
4. N15 - Reason(s) for the Grant of Planning Permission

47. DATE OF NEXT MEETING

24 September 2008

The meeting ended at 3.45 p.m.

CHAIRMAN

5A DCNC2008/1950/F - PROPOSED DEMOLITION OF GARAGE BLOCKS AND ERECTION OF 10 HOUSES, PARKING AND IMPROVEMENTS TO ACCESS AT LAND TO THE REAR OF BARGATES AND OFF WESTFIELD WALK, LEOMINSTER, HEREFORDSHIRE.

5B DCNC2008/1951/C - PROPOSED DEMOLITION OF GARAGE BLOCKS AND ERECTION OF 10 HOUSES, PARKING AND IMPROVEMENTS TO ACCESS AT LAND TO THE REAR OF BARGATES AND OFF WESTFIELD WALK, LEOMINSTER, HEREFORDSHIRE.

For: Fernhazel per Gregory Gray Associates, 1 Alexandra Road, Farnborough, Hampshire, GU14 6BU

Date Received: 28 July 2008 Ward: Leominster South Grid Ref: 49278, 58979

Expiry Date: 27 October 2008

Local Member: Councillor RC Hunt

1. Site Description and Proposal

- 1.1 The application relates to an area of land measuring 0.167 hectares to the rear of properties fronting onto Bargates in Leominster, particularly numbers 59 to 63 and 1 to 4 The Almshouses which all lie immediately to the north. The eastern boundary is formed by the garden of 57 Bargates. A number of properties fronting onto Westfield Walk lie to the west, and Westfield Health Centre and pharmacy to the south.
- 1.2 The site is located within Leominster Bargates Conservation Area and is currently occupied by 40 lock-up garages. These are largely positioned around boundaries of the site, which is of an irregular shape. It is served by a vehicular access onto Westfield Walk. This also serves eight dwellings on Westfield Walk and a service area to the rear of the Health Centre. It is also apparent that a pedestrian access onto Bargates exists and runs between 57 and 59, but this is currently blocked up.
- 1.3 The site is quite level with dwellings on Westfield Walk to the west occupying a slightly higher position, and generally beyond the site boundaries there is a fall from west to east in ground levels.
- 1.4 It is surrounded by buildings of differing architectural styles ranging from the Grade II listed Almshouses on Bargates to the modern properties on Westfield Walk. The garage blocks within the site form the boundaries between some of these properties, most notably The Almshouses and that shared with the Health Centre, but others comprise typical domestic fences and hedgerows.
- 1.5 The proposal comprises two elements. First is the demolition of the garage blocks, consent being required due to their location within the Conservation Area. Second,

and the more substantive part, is the erection of ten dwellings, associated parking and alterations to the access on Westfield Walk.

- 1.6 The dwellings are arranged in three blocks. The first is a terrace of 5 three bed dwellings. These are described as townhouses and are 2 1/2 storeys, located centrally within the site with a ridge line running north/south.
- 1.7 The second block is a pair of two storey 3 bed semi-detached dwellings. Their ridge runs east/west and they are located towards the western side of the site, with gardens backing onto the rear elevation of The Almshouses.
- 1.8 The third block is a terrace of three 1 bed properties, described by the applicant's agent as a coach house. It is 1 1/2 storeys, is located to the eastern side of the site and, like the main block, has a ridge running north/south.
- 1.9 The plans show each block to be similar in terms of the architectural detailing, with simple canopied entrances, brick detailing over window openings, chimney stacks in the main block and painted timber joinery. It is suggested that the buildings will be finished in a brick to match as closely as possible those of dwellings on Bargates, with a slate roof.
- 1.10 A central parking courtyard provides 15 spaces. The immediate access from the garage block onto Westfield Walk is to be re-aligned and widened. Each dwelling is also provided with its own cycle parking and bin storage area.
- 1.11 The application is accompanied by a design and access statement, transport statement, planning statement and a draft heads of terms agreement.

2. Policies

Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T8	-	Road hierarchy
HBA4	-	Setting of listed buildings
HBA6	-	New development within conservation areas
HBA7	-	Demolition of un-listed buildings within conservation areas

3. Planning History

No planning history.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Transportation Manager:

Comments that the trip generation figures in the Transport Statement are not particularly robust and raises doubts about the assumption of trip rates for the existing garages at 2 per day. He notes that during site visits he has not observed much vehicular activity, and suggests that some of the garages are used for storage and visited infrequently. This would mean that existing trip rates would be lower than estimated in the Transport Statement.

Would prefer to see 17 un-allocated car parking spaces on site to reflect the rural nature of Leominster and its rural hinterland and comparatively poor alternative transport options compared with more urban locations where parking rates of 1.5 spaces per unit are more acceptable.

Notwithstanding the above, because of the improved access bell-mouth and pedestrian/cycle link through to Bargates it is considered that, on balance, the likely trip generation from 10 units will be acceptable, subject to a contribution of £22,489 in accordance with the Council's SPD - Planning Obligations.

4.3 Conservation Manager:

The site is presently occupied by a collection of garages that are of no architectural value. It is not generally visible from important frontages.

The Design and Access Statement is quite right in pointing out the absence of any special interest and quality on the site and that the only significant heritage interest is in the setting of the rear of the listed Almshouses on Bargates.

It is difficult to see how development could fail to enhance the character and appearance of the area, and I consider the proposals to go far beyond the minimum in their improving effect. The layout leaves adequate separation from the Almshouses (the rear elevation of which is spoilt by poor extensions), and the scale and design of the buildings is simple, rational and rooted in building traditions appropriate to the surroundings of the site. The layout and density go with the grain and pattern of surrounding development.

Approval recommended subject to later approval of details of landscaping, joinery, openings, dormers, eaves, verges and materials.

4.4 Parks, Countryside and Leisure Development Manager:

On a development of 10 units, UDP policy H19 requires a small toddlers play area. It is assumed given the information that no play area is provided. 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.

Excluding the first bedroom of each unit as this facility is for children and young people and based on the SPD on Planning Obligations this equates to £11,480. (This includes land, development and 15 yrs maintenance costs pro rata).

We would use the contribution in consultation with the Town Council and other key stakeholders to improve play provision at Sydonia which will provide a neighbourhood play area and is in walking distance from the site.

A Sport England contribution towards improving local sports facilities is also requested on all dwellings as per the SPD. It is based on Sport England's facilities calculator model and equates to £5,927. These contributions are required as a result of increased demand for community sports facilities created by new developments and increased population.

We would use the contribution in consultation with local stakeholders towards improving local facilities in Leominster at Bridge Street Sports Park, which serves a wider catchment area. 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 Hereford City, the market towns and their catchment areas, which serve an area based on a 20-minute off-peak drive time.

4.5 Manager of Accommodation and Forward Planning:

The educational facilities provided for this development site are Conningsby Early Years, Leominster Infants' School, Leominster Junior School, The Minster College and Leominster Youth Service.

The Childcare Sufficiency Assessment highlights that within the Conningsby Early Years area 2% of parents are unable to return to work and 22% are unable to take a better job due to childcare issues. Demand gaps have been noted for full day care with a particular demand gap for variable hours. Supply gaps have also been noted for holiday care and baby care.

Leominster Infants' School has a planned admission number of 110. As at the Summer Census 2008 the school had spare capacity in all year groups.

Leominster Junior School has a planned admission number of 110. As at the Summer Census 2008 the school had spare capacity in all year groups.

The Minster College has a planned admission number of 140. As at the Summer Census 2008 the school had spare capacity in all year groups.

The youth service within Leominster requires additional funding to refurbish the youth centre which is of top priority. They currently deliver youth activities four nights a week which includes a session at Barons Cross. They also require more funding to enable them to work more closely with the school in relation to the Extended Schools Agenda.

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

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Leominster Infants' School and The Minster College 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:

7 x three bed houses

Early Years element	-	£1,897
Primary element	-	0
Secondary element	-	0
Post 16 element	-	£609
Youth element	-	£4,529
SEN element	-	£329
TOTAL:	-	£7,364

5. Representations

5.1 Leominster Town Council - Object to the application on the grounds that it represents over- development, there is no provision of social housing, no amenity space or rear access to the coach house, insufficient garden space generally that the development will increase congestion on Westfield Walk and that there are not enough cycle parking spaces.

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

1. Westfield Walk is a rat-run and 10 additional houses will cause it to become more congested and compromise highway safety.
2. The existing traffic movements shown in the Transport Statement are not an accurate reflection of the existing use of the area. The proposal will increase and not decrease traffic movements.
3. The shared pedestrian cycle access between the site and Bargates will also be shared with vehicles parking to the rear of 59 Bargates. Concern about the safety of all groups using the access.
4. Concern about potential anti-social behaviour occurring along the shared pedestrian/cycle access.
5. Increased pollution along Bargates.
6. Existing properties will be overlooked.
7. The loss of the garages is a loss of a valuable storage facility

5.3 In response to the comments received from the Transportation Manager, the applicant's highway consultant has provided an additional statement which reads as follows:

With respect to the Transport Statement, I fully accept that the residential trip rates which I produced were not "refined". The trip rates were derived from the TRICS database which allows refinement so as to differentiate between "flats" and "houses"

and the overall size of development (*as distinct from the size of dwellings*). The rates used were "refined" insofar as trip rates pertinent only to privately owned houses were used, and very large developments (*where some high level of self-containment might be anticipated*) were excluded from the data.

The effect of further "refinement" might be to increase the total level of traffic generation by about one further vehicle movement in the peak hour period but in truth is unlikely to have any significant effect. Thus, as Mr Davies indicates, this is unlikely to matter too much.

I note Mr Davies' "serious doubts" about an assumption of two trips per day from each of the existing garages. In fact the Transport Statement does recognise that not all of the existing garages are presently in use and that the existing trip rates are, I fully accept, much lower than the figures indicated in the Transport Statement. However the Transport Statement does make it clear that the figures quoted are simply the "potential" if the garages were to be used as such and not used for storage. Some of the garages are however in use and do generate traffic both on a peak hour and a daily basis although I accept that I have not quantified this. Accordingly, the point that I was seeking to make in the Transport Statement was that one consideration in assessing what the likely traffic implications of this development might be, is a comparison with the existing theoretical traffic generation of this site. I do however fully accept that, from a more practical perspective, the issue is the extent to which the proposals will increase traffic over and above any existing level and. In terms of this practical consideration, I suggest that 6 or 7 vehicle movements in the peak hours are not significant when any existing movements are taken into account.

As far as car parking provision is concerned, the level of car parking is designed so as to discourage car usage and, with the pedestrian link through to Bargates this is a location which provides an opportunity for car ownership and usage to be discouraged. I note Mr Davies' comments that "on balance", because of the improvements which are proposed the development is acceptable and I trust that this therefore provides you with further comfort.

- 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 application site lies within the acknowledged residential area of Leominster and therefore the principle of residential development is accepted. The proposal falls to be considered against the material considerations as outlined by Policy H13 of the UDP and particularly those relating to design, effect of the setting of the conservation area and listed building, residential amenity and highway and pedestrian safety.

Design

- 6.2 It is recognized by the Conservation Manager in his comments that the existing compound is of no architectural merit and detracts from the character and appearance of the conservation area. He also suggests that the scale, design and layout is simple, rationally considered and is reflective of the surrounding area. He also notes that the Grade II listed almshouses have been spoilt by poor rear extensions and as such the scheme will not detract from their setting. He concludes that the scheme represents a significant improvement to the area and raises no objection subject to the imposition of conditions.

- 6.3 It is notable that none of the objection letters refers to the design of the scheme. It does take its lead from the built development on Bargates in terms of its scale and detailing and as such accords with Policy HBA6 of the UDP.
- 6.4 The garage buildings do not warrant retention and their demolition accords with Policy HBA7 provided that there is a scheme in place for the re-development of the site.
- 6.5 It is therefore concluded that the proposal accords with policy in terms of its scale, layout and design.

Residential Amenity

- 6.6 The closest relationship between existing buildings and those proposed is 15 metres, the distance between the blank gable end of the coach house and 59 Bargates. At 6 ½ metres the new building will not cause any overshadowing and given that it is a blank elevation will not have any demonstrable impact in terms of loss of privacy. The distance between the rear of the Almshouses and the pair of semi detached houses is 17 metres, being separated by their respective gardens. There are only ground floor windows in the Almshouses and any potential overlooking could be addressed through an appropriate boundary treatment. The plans do not give an indication of what this might be, but it is a matter that could be addressed through the imposition of an appropriately worded condition.
- 6.7 It is apparent that in its current form the pedestrian link between the lock-up garages and Bargates has been an area for acts of anti-social behaviour to occur. This is evident from the fact that the link has been blocked up. The garages are not particularly overlooked by surrounding dwellings and there is no doubt that they do provide an opportunity for such acts to take place.
- 6.8 The re-development of the site for residential use would completely change the nature of the area and the pedestrian link would be an integral part of the scheme. The manner in which it is bounded is key, and this could be addressed by the same boundary condition referred to above. By ensuring that it remains very open, the opportunity for crime to occur would be limited. Its inclusion accords with Policy T6 of the UDP by actively encouraging residents to walk into town.

Highway Issues

- 6.9 The main issue is that of highway safety and the potential impact upon Westfield Walk.
- 6.10 Westfield Walk is a rat-run for people trying to avoid congestion problems at the Bargates junction, and the situation is only made worse by the on-street parking that occurs due to the combined effects of it being a residential area and that the Health Centre and pharmacy have little or no off-street parking for patients/customers.
- 6.11 It is acknowledged by both the applicant's Highway Consultant and the Council's Transportation Manager that the traffic movements associated with a series of lock-up garages are difficult to quantify in terms of assessing one use against another, but on balance the Transportation Manager suggests that the benefits derived from the re-development of the site are sufficient to allow a positive recommendation.
- 6.12 There is no doubt that a projected trip rate for the 40 garages of 80 per day (40 out and 40 in) is unrealistic as many of them are simply used for storage purposes and only generate infrequent visits. Nevertheless, the site is within walking distance of the town

centre and the proposal does actively seek to encourage greater pedestrian use by re-establishing a route from the application site onto Bargates. The scheme also makes a provision of 1.5 car parking spaces per dwelling, according entirely with Policy H16 of the UDP. Furthermore, each dwelling is provided with its own cycle parking.

- 6.13 The improvements proposed to the access onto Westfield Walk allow for two opposing vehicles to pass each other without impediment and therefore the remaining issue is whether the perceived increase in traffic movements are sufficiently harmful to warrant the refusal of the application, particularly when balanced against the obvious improvements to the area in terms of its appearance. The opinion of your officers is that the benefits of the scheme do outweigh the legitimate concerns about additional traffic movements, particularly in light of the fact that the site is close to the town centre and that the scheme does actively encourage greater pedestrian and cycle use by the link from the site to Bargates.

Density

- 6.14 The proposal amounts to 58 dwellings per hectare. However, this is a small irregularly shaped site and it is difficult to apply a simple numerical test without considering how the development relates to its surroundings. As has been stated above, the units are well spaced from existing development. Sufficient car parking is provided on site, each property has its own cycle and bin storage facility and the larger three bed dwellings each have their own private gardens which on average are eight metres in length. The three one bed units have a shared amenity area, an arrangement that is not unusual for a such type of accommodation in a town setting, and it is therefore concluded that the development is not unacceptably dense or cramped.

Conclusion

- 6.15 It has been demonstrated that the proposal represents a significant improvement to the character and appearance of the conservation area and to the setting of the Grade II listed Almshouses. It does not cause any demonstrable harm to the residential amenity of existing dwellings, either through loss of privacy or as a result of the reinstatement of the pedestrian link connecting the site to Bargates. It is of an acceptable density and the layout relates well to its surroundings. The development is not of sufficient size to require the provision of affordable housing. Policy H9 states that it will only be required on developments of more than 15 dwellings or sites of more than 0.5 hectares. The determining factor is the potential increase in traffic movements and the effect that this will have on Westfield Walk but, on balance, this is not considered to outweigh all of the other material planning considerations.
- 6.16 The applicant has submitted a Draft Heads of Terms Agreement. This is attached as an appendix to this report and the completion of a Section 106 Agreement can be dealt with through the inclusion of a suitably worded condition. The application is therefore recommended for approval.

RECOMMENDATION

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

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**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

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

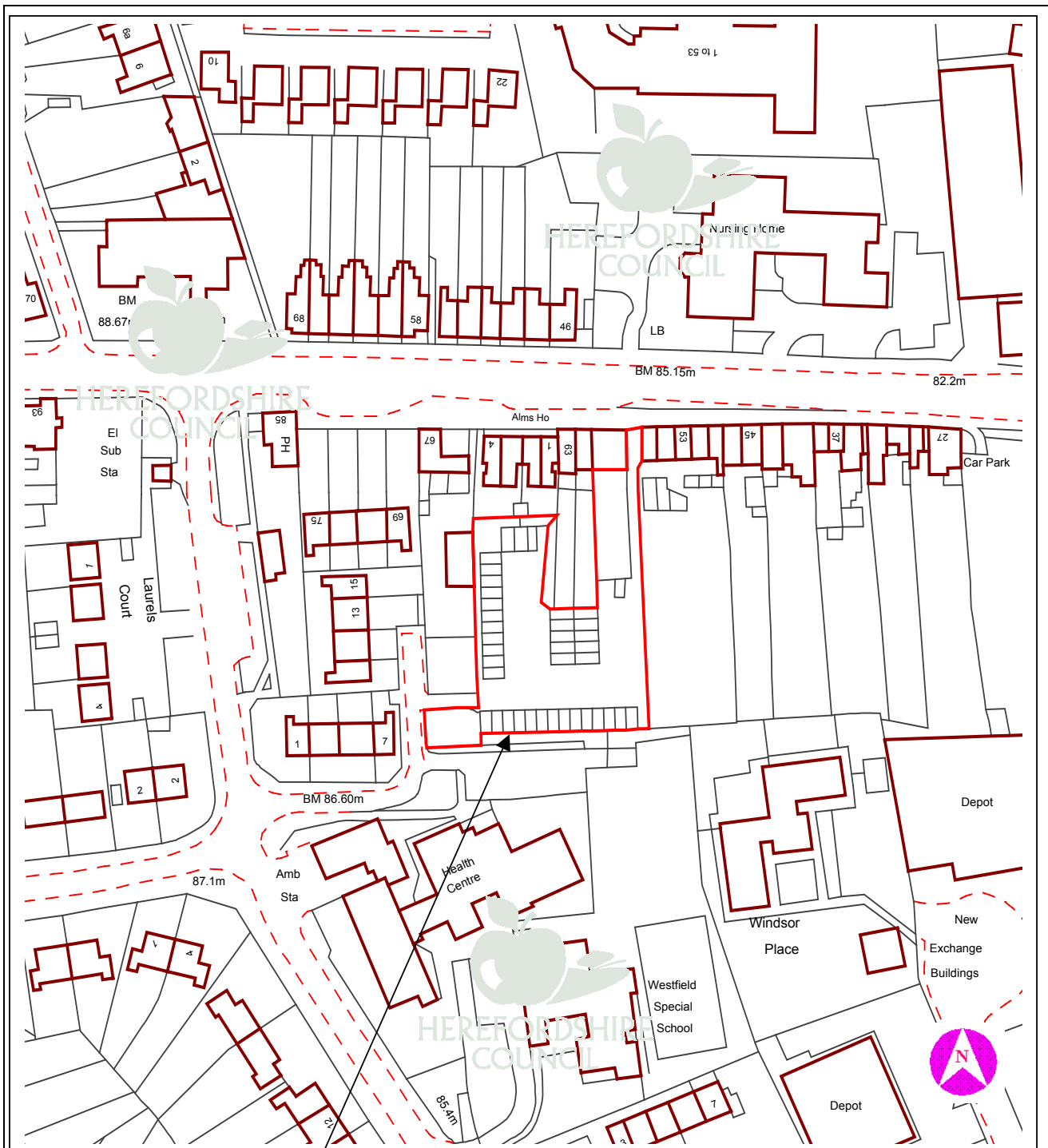
Planning Application – DCNC2008/1950/F

Proposed demolition of garage blocks and erection of 10 houses, parking and improvements to access on land to the rear of Bargates and Westfield Walk, Leominster

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £11,480 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 Leominster. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,927 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities within Leominster. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £7,364 to provide education improvements to provide education improvements to Leominster Youth Service, Conningsby Early Years and also special educational needs provision. This sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £22,489 to provide sustainable transport measures in Leominster. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Leominster.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
 - e) Funding for Sustainable Transport Officers
5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1,746 to provide for library services in Leominster. 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 £980 as a 2% surcharge fee for the monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
7. 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.

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



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

APPLICATION NO: DCNC2008/1950/F and DCNC2008/1951/C

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of Bargates and off Wesfield Walk, Leominster, Herefordshire.

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

6 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 Member: Councillors: B Hunt and A Seldon

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

2.2 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

2.3 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

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

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 of 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. 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 Bullhurst 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:-
- (i) The principle of erecting the proposed new development on the site.
 - (ii) The size and design of the development and its affect on the Conservation Area.
 - (iii) The effect on the residential amenities of adjacent property owners.
 - (iv) 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 detailed drawings showing the south west side elevation of the block of 6 flats and the north east side elevation of the block of 2 flats, shall first be submitted to and be subject to the prior written approval of the Local Planning Authority.

Reason: In order to ensure that the development is satisfactory in appearance and to comply with Policy DR1 of the Herefordshire Unity Development Plan.

6 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.

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 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

9 H09 (Driveway gradient)

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

13 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.

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.

17 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:

.....

Background Papers

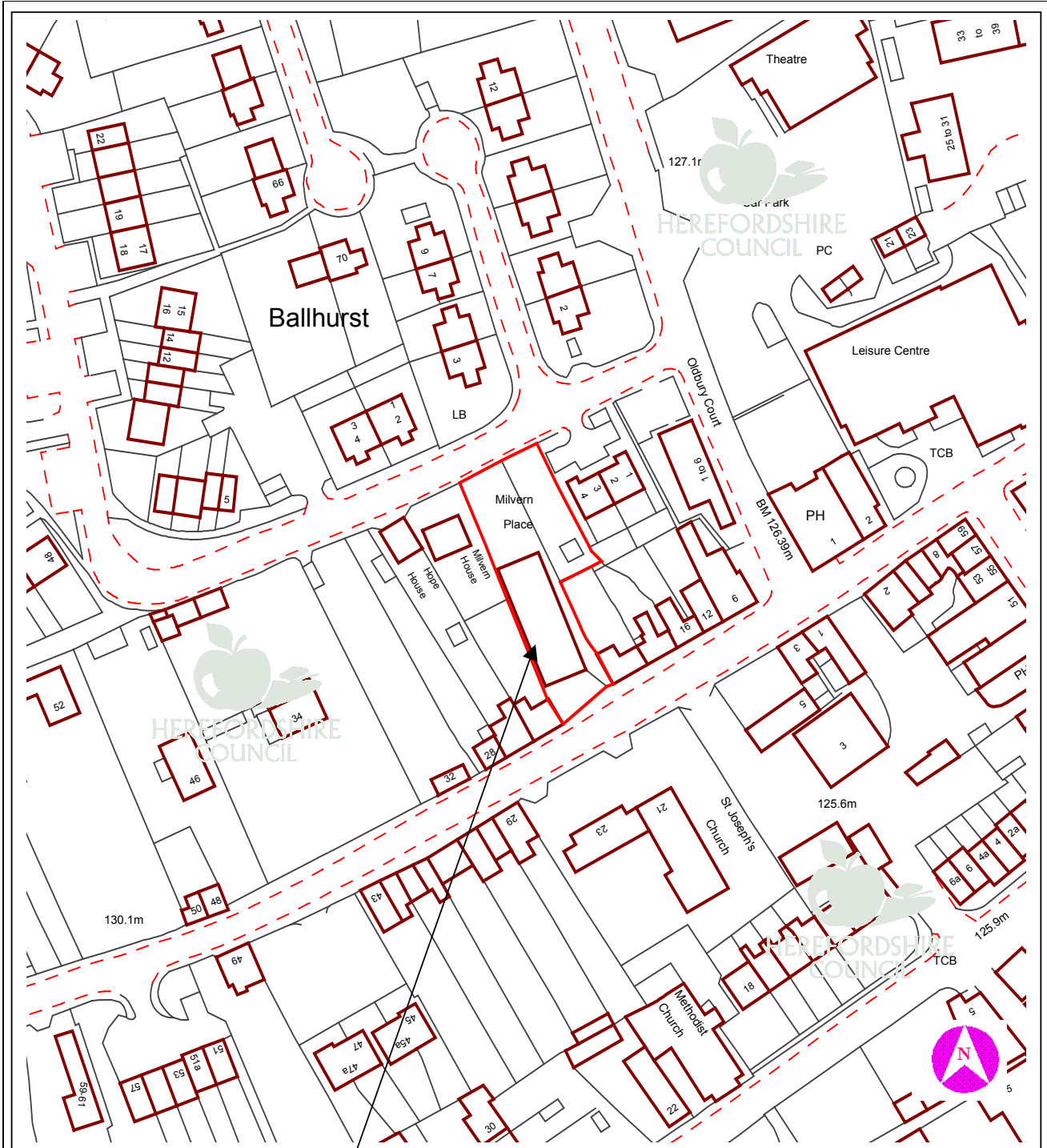
Internal departmental consultation replies.

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

Planning Application – DCNC2008 / 1881 / F
(Re-development of site by erection of 8 flats at 22 Old Road, Bromyard)

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £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.
2. 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.
3. 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.
4. 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:
 - a) Pedestrian access improvements near the development and within Bromyard.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
 - e) Improvements to roadways and car parking in Bromyard.
 - f) Improvements to cycle facilities and parking in Bromyard.
5. 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.
7. 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.

- a. 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.
- b. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
- c. The developer shall complete the Agreement by 31st December 2008, otherwise the application will be registered as deemed refused.



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

APPLICATION NO: DCNC2008/1881/F

SCALE : 1 : 1250

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

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

Further information on the subject of this report is available from Mr N Banning on 01432 383093

7A DCNE2008/1738/F - PROPOSED ENTRANCE AND CONSERVATORY, REMOVAL OF EXISTING OUTBUILDINGS REBUILD NEW GARAGE AT HOMESTEAD, MOOREND CROSS, MATHON, MALVERN, HEREFORDSHIRE, WR13 5PR.

7B DCNE2008/1739/L - PROPOSED ENTRANCE AND CONSERVATORY, REMOVAL OF EXISTING OUTBUILDINGS REBUILD NEW GARAGE AT HOMESTEAD, MOOREND CROSS, MATHON, MALVERN, HEREFORDSHIRE, WR13 5PR.

For: Mr GB Sella per Mr M Cleaver, 10 Gilbert Road, Malvern, Worcs, WR14 3RQ.

Date Received: 1 July 2008

Ward: Hope End

Grid Ref: 72764, 45358

Expiry Date: 26 August 2008

Local Member: Councillors RV Stockton and R Mills

1. Site Description and Proposal

- 1.1 The application site, accessed from an unclassified road, is located in open countryside, outside of and some distance from any designated main village or smaller settlement identified in the Herefordshire Unitary Development Plan (UDP).
- 1.2 The application site comprises the Grade II Listed Building 'The Homestead', a much altered and extended property which has lost much of its character, through especially, an unsympathetic front single storey mono pitched roof extension.
- 1.3 Within the residential curtilage there are a range of outbuildings. These are of little or no architectural or historic quality or merit, and cumulatively detract from the setting of the listed building and wider open countryside location, which the dwelling enjoys.
- 1.4 The proposal is for a new entrance/porch, conservatory, new detached double garage with store over, with the removal of the existing outbuildings.

2. Policies

Herefordshire Unitary Development Plan:

DR1 – Design

DR2 – Land use and activity

H18 – Alterations and extension

LA6 – Landscaping schemes

HBA1 – Alterations and extensions to listed buildings

3. Planning History

- 3.1 DCNE1999/1005/L - New garage and two-storey extension to existing listed house - Approved with conditions, 22nd June 1999
- 3.2 DCNE1999/1004/F - New garage and two-storey extension to existing listed house - Approved with conditions, 22nd June 1999

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Council's Highways department makes no objection to the proposal.
- 4.3 The Council's Conservation Officer makes no objection to the proposal, noting the pre-application discussions, which took place and considers the scheme is acceptable. The Conservation Officer recommends a number of conditions if approval is granted relating to external materials and details.

5. Representations

- 5.1 The Parish Council has no objection to the removal of the outbuildings but objects to the proposed size and scale of the new garage block, noting it is 'out of proportion with the existing house and is visible from the road'.
- 5.2 Two letters of objection have been received from Mr R Thomas and J Lovell-Thomas, The Lodge, Moorend Cross, Mathon, WR13 5PR in letter dated 3rd August 2008, and email received 31st July 2008, the contents of which are:

- The proposal is out of scale with the house
- The removal of trees will change the character of the surrounding countryside
- A single storey building would be more appropriate
- Proposed garage would be visible from the road
- Highway safety concerns

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

6. Officer's Appraisal

- 6.1 The proposal comprises two distinct aspects – the extension and alterations to the house, and the proposed garage/ store block with removal of existing outbuildings. Taking each in turn: -

New entrance and conservatory

- 6.2 The proposal follows the pre-application advice, and in regards of the conservatory, is of the maximum size that the LPA would consider, given the previous volume of extensions and the requirement to safeguard the character and appearance of the Listed Building.

- 6.3 The approach taken in regards to the position of the conservatory and 'infilling' of the 'courtyard' follows the recommendation and advice of the Conservation Officer and Planning Officer.
- 6.4 The new entrance is also considered acceptable. This element again ensures that the house can enjoy a defined and clearly 'readable' entrance to the house, which has been lacking and detrimental to the character of the building since the construction of the single storey front extension.

Garage/ store and removal of existing outbuildings

- 6.5 The proposed garage and store block has been much revised, and has further been reduced in size and scale during the determination of the application to address both the concerns of local residents, and the LPA.
- 6.6 The proposal now has a height to ridge of less than 5 metres, and an acceptable width (6.5 metres) for a double garage. The pitch of the roof has been reduced to 35 degrees to reduce bulk whilst also being suitable for the use of plain roof tiles. The roof overhang has also been reduced to minimise impact and bulk. These revisions and refinements result in a proposal of acceptable scale and mass, respective of both the needs of the applicant and in regards to the open countryside location of the site and its relationship with a Grade II listed building.
- 6.7 The removal of the existing outbuildings is welcomed and enhances the setting of the listed building and the wider rural locality.
- 6.8 I note concerns over potential loss of trees and hedges. No hedgerow or trees on the road frontage are to be removed, therefore the site and proposed garage will be screened from the road as per the existing situation. In addition, a number of landscaping conditions have been proposed and recommended to mitigate the loss of any trees required to implement the garage block, through new planting. A scheme of removal is also required in order for the LPA to have control over what (if any) trees/ hedgerow is removed.
- 6.9 In summary, it is considered the proposals will enhance both the listed building itself and the setting it enjoys. It is considered the proposal will overall represent an enhancement to the locality and have minimal impact upon the wider open countryside.

RECOMMENDATION

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**

Decision:

Notes:

.....
Background Papers

Internal departmental consultation replies.

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

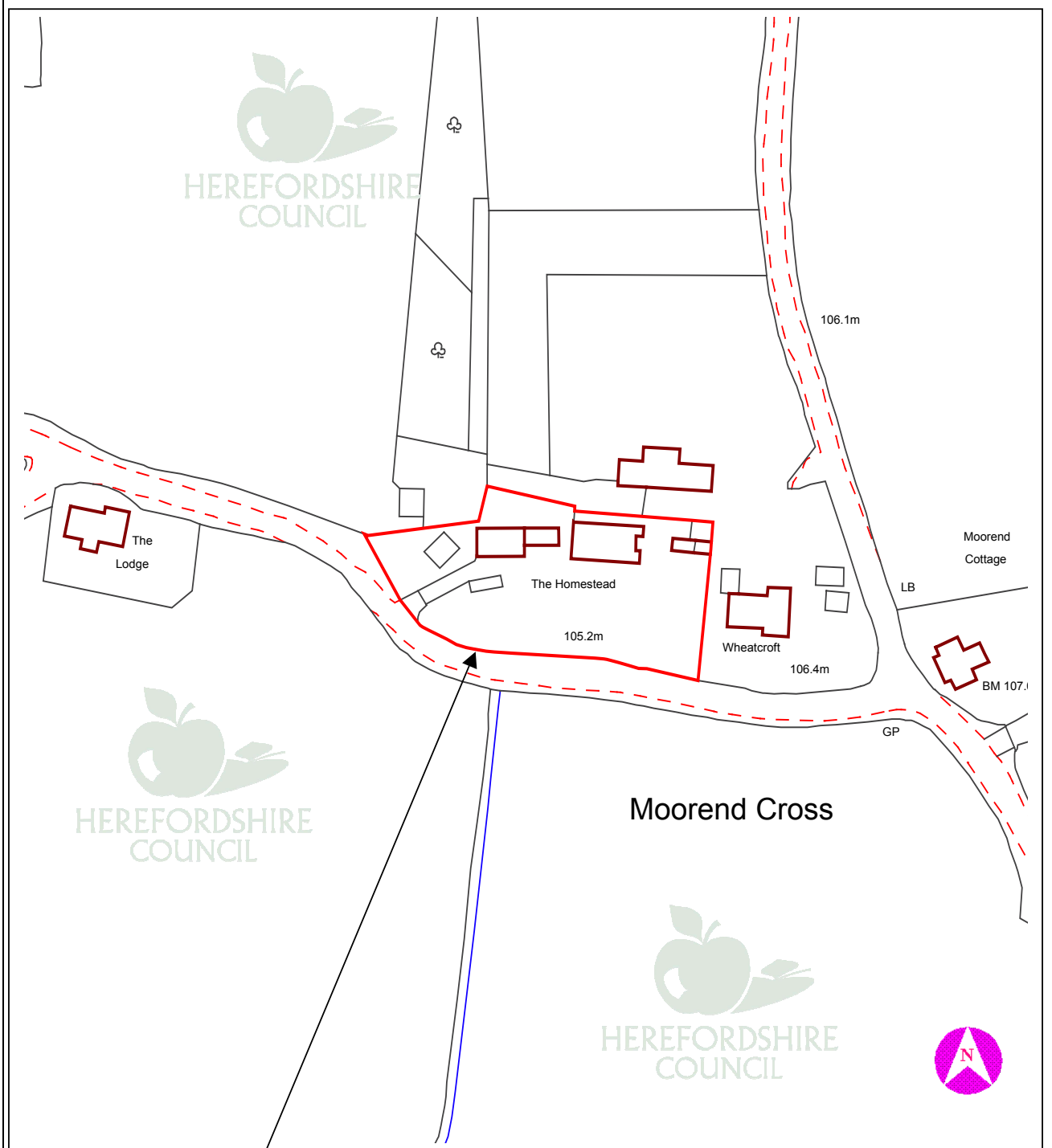
1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 - Avoidance of doubt - Approved Plans**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNE2008/1738/F and DCNE2008/1739/L

SCALE : 1 : 1250

SITE ADDRESS : Homestead, Moorend Cross, Mathon, Malvern, Herefordshire, WR13 5PR

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

8 DCNW2008/1807/F - 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 AT LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ.

For: Ms A Cleverly per Hereford Travellers Support, Trefoil, Brinsop, Herefordshire, HR4 7AS.

Date Received: 9 July 2008

Ward: Mortimer

Grid Ref: 40936, 68861

Expiry Date: 3 September 2008

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site is situated to the north of the unclassified road that runs west from the village of Wigmore towards Birtley and Lingen. The site is in an elevated position on the North East facing slope and is prominently located in open countryside.
- 1.2 The application site itself forms a parcel of land to the east of a larger land holding (5.2 acres), at its lowest point. The site has a mature boundary hedge to the North, East and South boundaries, with access being gained via an existing field gate in the south east corner of the site. To the west of this site in a much more elevated position is an associated existing traveller site that benefits from a temporary permission and houses the former partner of the applicant.
- 1.3 The proposal is a retrospective application for the change of use of the agricultural land for use by a one family traveller site, including the siting of the one touring caravan and associated temporary structure.
- 1.4 The applicant and occupant of the site currently shares the personal and temporary permission granted on appeal (see appendix) for the temporary site to the West part of the field.
- 1.5 Due to personal reasons the applicant, Mrs Alison Cleverly, and child, who she jointly cares for with her former partner Mr Richard Wells, moved the caravan off the western part of what is referred to as Ash Farm onto this application site.
- 1.6 The application requests a temporary permission to run conterminous with the permission for the site in the western part. This permission is due to expire on the 7th March 2010.

2. Policies

National Planning Policy

- 2.1 PPS1 – Delivering sustainable development
- PPS3 – Housing
- PPS7 – Sustainable development in Rural Areas
- PPG15 – Planning and the Historic Environment
- PPG16 – Archaeology and Planning

ODPM Circular – 01/2006 – Planning for Gypsy and Traveller Caravan Sites.

Herefordshire Unitary Development Plan (2007)

- 2.2 S1 - Sustainable development
- S2 - Development requirements
- S3 - Housing
- S7 - Natural and historic heritage
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- H11 - Residential caravans
- H12 - Gypsies and other travellers
- LA2 - Landscape character and areas least resilient to change
- LA6 - Landscaping schemes
- HBA4 - Setting of listed buildings
- ARCH3 - Schedule ancient monuments
- NC4 - Sites of local importance

3. Planning History

- 3.1 NW2006/0205/F - Change of Use from agricultural to one family travellers site including the stationing of 2 dwelling vehicles and storage space (Retrospective application) - Refused 17th March 2006.
- 3.2 This application and the subsequent Enforcement Notice were then the subject of an appeal. The appeal was allowed on the 7th March 2007 subject to an amended Enforcement Notice and temporary and personal permission. A copy of this decision has been appended to this report for information purposes.
- 3.3 NW2005/0851/F - Retention of caravan for residential use - Refused 5th May 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Transportation: Has no objection to the grant for permission.
- 4.3 Environmental Health: No objection. The sub-regional housing assessment has identified a need for a further 100 plots for travellers will be generated in Herefordshire in the period 2007 - 2012.

5. Representations

5.1 Wigmore Group Parish Council make the following comments:

"It was unanimously agreed at a recent meeting of Wigmore Group Parish Council that this application should not be allowed for the reasons previously stated following previous applications. Although, upon appeal Mr Cleverly's and Mr Well's application was granted, it was only a temporary permission for two caravans and storage boxes which, we were assured, was adequate accommodation for one family.

It is not desirable to encourage such use of land by travellers and it is suspected that whilst this current application is for one family use of the land, others will be attracted to the site and before we know where we are we will have a settlement on our hands. Given that permission was originally granted for two caravans and storage, the fact that Ms Cleverly and Mr Wells no longer live together and have therefore separated the two-caravan set-up in favour of two separate caravans at either end of the field, we may assume that when both parties find alternative partners, each caravan will then require another caravan to accommodate a 'growing family', not to mention additional storage facilities. Four caravans in situ surely are then tantamount to a small travellers' site.

It is considered to be the responsibility of Herefordshire Council to provide appropriate accommodation land for travellers and that doing so 'by the back door', as approval by HDC will be seen, is not acceptable. Considering the rising numbers of travellers leading to the 'need for 100 additional pitches by 2010' (Assessment Against UDP Policy Criteria) Herefordshire Council should be more diligent in their responsibilities towards them.

Local residents are subjected to stringent rules about what they can or cannot build on their own land and flouting the legal process as Ms Cleverly has done should not be allowed, regardless of the 'environmentally sustainable life' Ms Cleverly leads. Oh that we could all lead such a life free from everyday responsibilities, yet taking advantage of all local amenities. Perhaps Herefordshire Council is advocating we all pursue an environmentally-friendly, self-sufficient life in a caravan in a field chosen because it is in an attractive area of countryside and well-screened!"

5.2 One letter of objection has been received from R R Bailey, Callis Close, School Lane, Wigmore. This letter can be summarised as follows:

- Reiterate original objection received on application NW2006/0205/F on the 15th Feb 2006 that stated the following:
 - It is already an eyesore and it will become a scrap yard
 - Will they invite further travelling families onto the site
 - The site does not provide satisfactory access
 - The area is recognised as an area of outstanding natural beauty
- The site may continue to develop. How many more 'family units'; will appear?
- What are the sanitary arrangements?

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

6. Officer's Appraisal

- 6.1 The key considerations in the determination of this application are:
- Principle of development and site history
 - Landscape impact
 - Setting of the Listed Building and Archaeological impact
- 6.2 The site lies in open Countryside and as such policy H7 of the Herefordshire Unitary Development Plan (2007) that relates to housing in the open countryside outside of settlements applies. This policy states that proposals would not be permitted unless, it is a site providing for the needs of gypsies or other travellers in accordance with policy H12 . This policy relates directly to gypsies and other travellers. It states that these sites should be with a reasonable distance of local services and facilities and that sites should generally be small. Adequate screening and landscaping would be included so that the proposal does not result in adverse impact upon the character and amenity of the landscape. Finally there should be appropriate levels of residential amenity including safe play areas for children and that they should provide satisfactory work and storage area.
- 6.3 The site should be considered contrary to policy unless it can be established that it relates specifically to travellers and otherwise conforms to policy. Having regard to the history of the site and in particular the appeal decisions. The inspector has accepted that the applicant falls within the definition detailed in circular 01/2006 of a gypsy and traveller and as such it is considered acceptable to consider this proposal in relation to Policy H12.
- 6.4 Members will note from the appeal decision that the inspector accepted that the proposed development does not comply with policy H12 on a number of matters but draws the conclusion that the substantial shortfall in site provision in the County coupled with the circumstance of the case that a temporary, 3 year, consent be granted for this family.
- 6.5 The Council continues to seek to provide the shortfall of 100 sites identified in the Traveller Accommodation Assessment but it is also noted the personal circumstances relating to the joint care of the applicants young dependent. This is a matter that is also a material consideration of this case.
- 6.6 The application site is located in open countryside, but is less obtrusive in position that that of the more prominent site that is situated in elevated position to the west. It is considerably less harmful to the long distance views and setting of Wigmore Castle than that of the associated site to the West. There is far less domestic paraphernalia and it is much better screened and landscaped from the public vantage points. It does not read explicitly as an extension to the original site but does lead to a spread of development. There are no more persons living on the site or vans sited on the site that previously approved.
- 6.7 Having regard to the planning history and the conclusions drawn by the inspector, and having regard to the new circumstances of the family, the principle has already been established in this instance. Allowing a personal and time limited consent would meet the needs of the applicant whilst allowing an element of control over the site with a planning permission restricting its occupation and any further development or siting or vehicles. It is considered that this is a reasonable course of action to take given the circumstances of the case.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **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.

- 2. **The use hereby permitted shall be carried on only by Alison Cleverly and shall be for a limited period being the period of until the 6th March 2010, or the period during which the land is occupied by her, whichever is the shorter. At the end of the period the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use shall be removed and the land restored to its former condition.**

Reason: To clarify the terms of the permission having regard to the special circumstance of the case and to the sites open countryside location and criteria of policy H12 of the Herefordshire Unitary Development Plan (2007)

Informatives

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

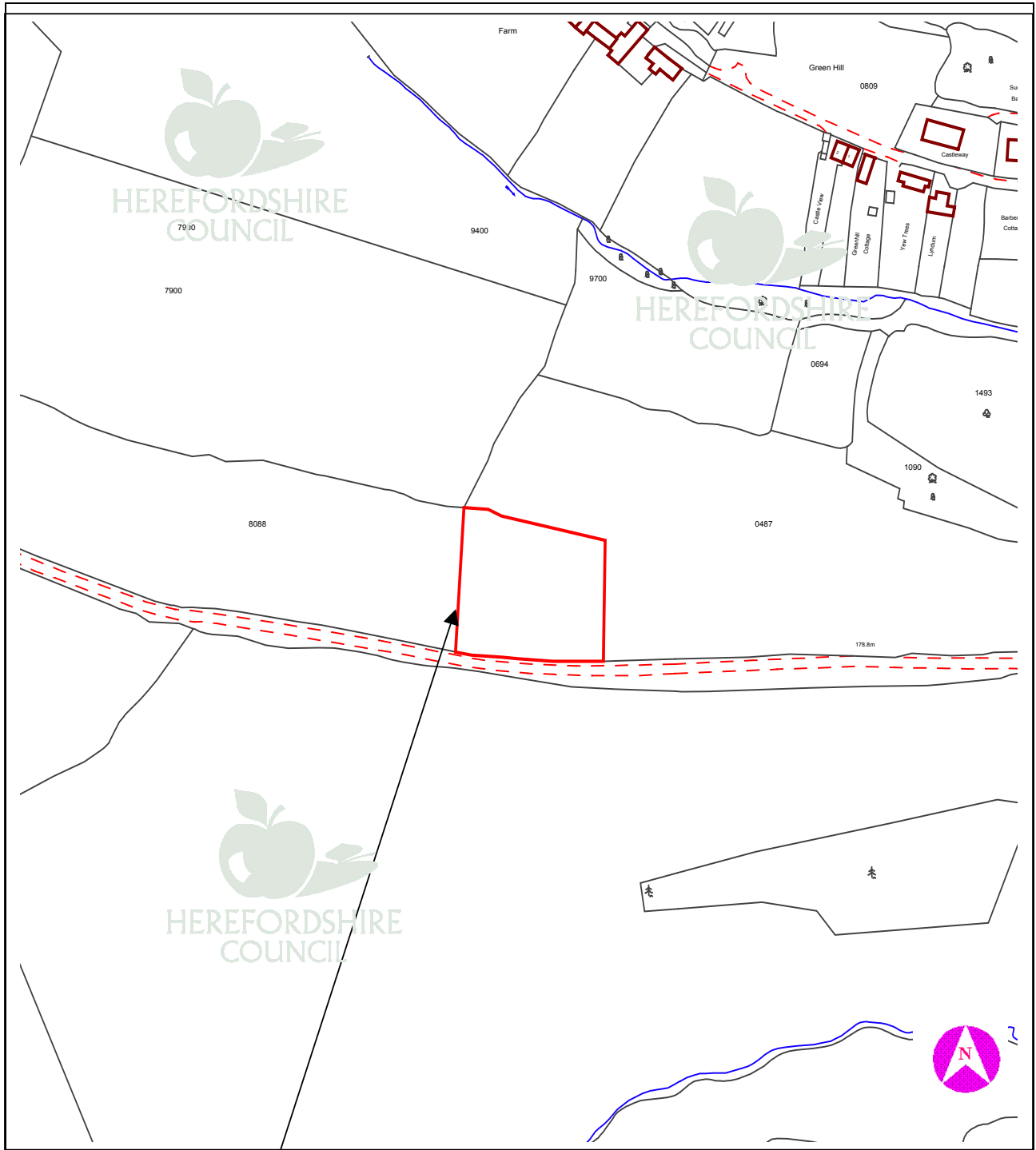
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2008/1807/F

SCALE : 1 : 2500

SITE ADDRESS : Lower Field, Ash Farm, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ

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

9 DCNW2008/1971/F - PROPOSED NEW COTTAGE AND DETACHED GARAGE AT THE OLD POST OFFICE, MONKLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9DB.

For: Mr & Mrs S Griffiths per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE.

Date Received: 28 July 2008

**Ward: Golden Cross
with Weobley**

Grid Ref: 45630, 57571

Expiry Date: 22 September 2008

Local Member: Councillor J H R Goodwin

1. Site Description and Proposal

- 1.1 The application site forms part of the residential curtilage of a two storey detached dwelling of external brick construction under a slate roof.
- 1.2 Adjoining the western boundary of the application site is the domestic curtilage, of a two storey detached dwelling of brick and timber frame external construction.
- 1.3 To the rear of the application site is open farmland and adjoining the application site alongside the front southern, elevation is the unclassified public highway U93003 known as Old Road.
- 1.4 The application proposes construction of a three bedroom two storey detached dwelling of external brick construction, under a slate roof with an internal floor space under 100 square metres. (Measured externally). Also proposed to the rear of the dwelling is a single storey bay garage of similar construction to the dwelling.
- 1.5 Included as part of the application is a Draft Heads of Terms indicating the applicants agreement towards payment under a S106 Agreement of financial contributions in line with the Council's Supplementary Planning Guidance on Planning Obligations.

2. Policies

S1	-	Sustainable development
S2	-	Planning requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H6	-	Housing in smaller settlements
LA2	-	Landscape character and areas least resilient to change

3. Planning History

- 3.1 N98/0443/O - Outline application for detached two-storey dwelling on land adjacent to Old Post Office, Monkland - refused planning permission on 28th September 1998 - later dismissed on appeal, 28th April 1999.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Transportation Manager raises no objections subject to conditions attached to any approval notice subsequently issued.

5. Representations

5.1 Monkland and Stretford Parish Council recommends that the application be refused for the following reasons:

- Proposed cottage is very narrow on a cramped plot and is located very close to the Old Post Office (applicants' home), and not in keeping with surrounding dwellings.
- A previous application for a garage on site was refused along with an application for a dwelling adjacent to The Beeches on opposite side of the public highway to the application site.
- Plans are not to scale and have no measurements to give a clearer picture of the scale of the plot and the proposed cottage.
- The proposed dwelling is not infilling with 'affordable housing' in line with Herefordshire Council policy on affordable housing.
- Potential damage to adjacent boundary hedge in consideration of proposed development.
- Adjacent to the site was a BT telephone box which has been removed without village consultation at the request of the applicants to BT.
- Concerns about Draft Heads of Terms accompanying application in that sums mentioned will not benefit the village of Monkland.

5.2 Four letters of objection have been received from the following:

- Dr D G Jeffery and Dr J M Barnes, Shop Cottage, Monkland
- Mrs M Parker, Hafod, Old Hafod Road, Monkland
- Wendy Jancey, 3 Arrow Cottage, Monkland Common
- Janet E Carr, Stonerake, Monkland

5.3 The reasons for objections from the above-mentioned can be summarised as follows:

- Previous application for development on site (N98/04430), refused planning permission.
- Planning application for 2 dwellings on land on opposite side of the adjacent public highway - refused planning permission in September 2006 and later dismissed on appeal in February 2007.
- Proposed dwelling is very near to boundary hedge (western side) and also very close to dwelling known as Old Post Office.
- Plot is barely 9 metres wide

- No identified local need for such development
- Excessive infilling has already taken place on other parts of Old Road
- Western end of Old Road is the only part that retains its original character
- Impact of proposed development on adjacent public highway, and surrounding built environment character
- A BT telephone box that was adjacent to the site was removed at the applicants request to which Herefordshire Council and local residents of Monkland were trying to save.

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 main issues with regards to this application are:

- Principle of the development
- Impact of the proposed development on the surrounding built environment's character
- Heads of Terms in accordance with Council's SPG

6.2 Principle of the development

Policy H6: Housing in smaller settlements, in the Herefordshire Unitary Development Plan, (HUDP), states in its criteria that a dwelling's size must be limited to a habitable living space of 90 square metres (3-bedroom house) or 100 square metres (4-bedroom house). The plot size limited to a maximum area of 350 square metres and the infill gap no more than 30 metres frontage.

6.3 Monkland is classed as a smaller settlement in accordance with Policy H6 criteria in the HUDP.

6.4 The site plan forming part of the application, indicates a site area of 350 square metres with a proposed dwelling of 90 square metres, (approx), internal habitable floor space (measured internally), on a site with 27 metres road frontage from the property known as Shop Cottage on the western side of the application site to the property known The Old Post Office on the eastern side of application site. Therefore, the application fulfils the requirements of Policy H6: Housing in smaller settlements in the Herefordshire Unitary Development Plan.

6.5 Impact of the proposed development on the surrounding built environment character

6.6 The application proposes a three-bedroom two-storey detached dwelling of external brick construction under a slate roof.

6.7 The design of the proposed development is considered acceptable in relationship to the surrounding built environment using external construction materials that are also considered acceptable in consideration of surrounding properties.

6.8 The proposed dwelling will be located 1 metre from the adjacent hedgerow boundary on the western side of the application site and 14 metres from the property known as Shop Cottage, situated alongside the western side of the application site, with one small window in the first floor elevation of the western side of the property to serve the landing area.

- 6.9 The Inspector's decision to application ref: N98/0443/0 (dismissed on appeal) clearly states that any dwelling on site would not infringe on the privacy and amenity of Shop Cottage in consideration of the distance between the application site and the dwelling known as Shop Cottage and the boundary hedge between the two sites.
- 6.10 The Inspector dismissed the appeal for the site subject to the refusal for application ref: N98/0443/O, in consideration of the impact of development on site in relationship to the surrounding build environment, to which he considered development on site would represent a harmful effect on the character and appearance of this particular part of Monkland.
- 6.11 The above-mentioned appeal was considered against policy of Leominster District Local Plan subsequently replaced by the Herefordshire Unitary Development Plan (HUDP).
- 6.12 The Leominster District Local Plan did not consider Monkland a village for residential development. Monkland in consideration of the HUDP, Policy H6, a smaller settlement for infill development, as outlined in paragraphs 6.2 – 6.4 of this report.

Therefore, in consideration of the HUDP and the design of the proposed dwelling, this proposal is considered acceptable, in scale and character, in relationship to the surrounding build environment and if Members are mindful to approve the application, a condition can be attached to the approval notice with regards to the small first floor landing window on the western elevation of the property, stating that it is glazed in opaque glass and non-opening in perpetuity.

- 6.13 It is noted the Council's Transportation Manager raises no objections to the proposed development.

Heads of Terms in accordance with Council's SPG

- 6.14 The applicants have indicated a willingness to pay contributions in accordance with advice in the Council's SPG on Planning Obligations, in a Draft Heads of Terms accompanying the application. The contributions (in accordance with relevant internal Council advice) are towards open space provision in the surrounding locality of the proposed development; Weobley High School infrastructure, Library facilities within the surrounding locality and public highway improvements within the locality.
- 6.15 In consideration of the plot's size, roadside frontage distance and criteria of Policy H6 of the HUDP, affordable housing provision is not an issue in respect of this application. The issue with regards removal of the BT payphone box is not a planning consideration.

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)**

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

3. F14 (Removal of permitted development rights)

Reason 2 - For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

4. F16 (No new windows in specified elevation)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the west elevation of the property and the approved window shall be glazed in opaque glass and be non-opening in perpetuity.

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

5. G09 (Details of Boundary treatments)

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

6. H04 (Visibility over frontage)

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

7. H05 (Access gates)

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

8. 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.

9. H12 (Parking and turning - single house)

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

10. H29 (Secure covered cycle parking provision)

Informatives

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

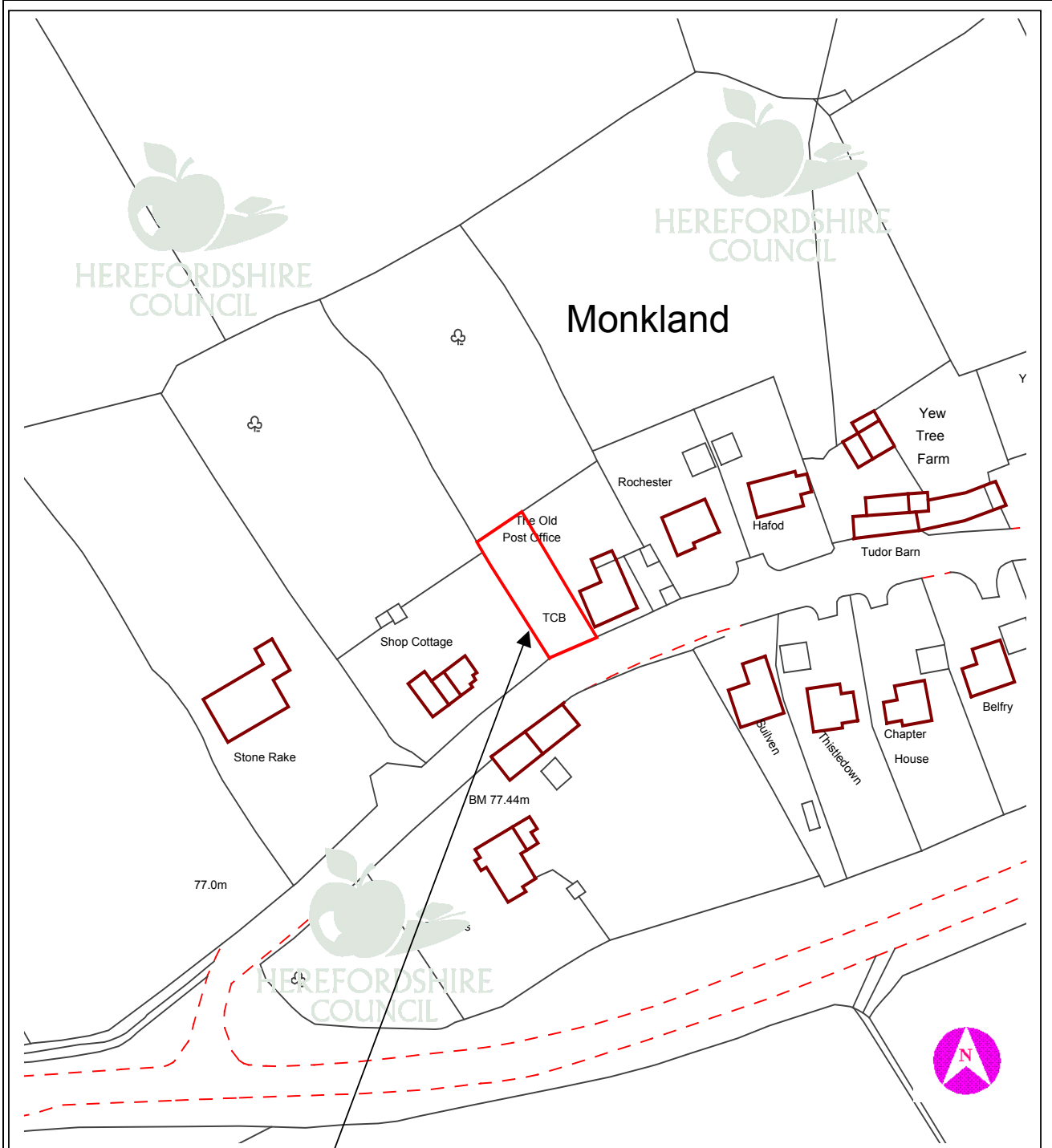
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2008/1971/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Post Office, Monkland, Leominster, Herefordshire, HR6 9DB

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

10A DCNW2008/1741/F - PROPOSED CONVERSION INTO NINE APARTMENTS, INCLUDING NEW STAIR TOWER AT OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ.

10B 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

Ward: Kington Town

Grid Ref: 29653, 56577

Expiry Date: 26 August 2008

Local Member: Councillor TM James

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.
- 4.3 The Public Rights of Way Manager raises no objections.
- 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.'*
- 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 bedrooomed units being considered acceptable to the Council's Strategic Housing team.'*

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.

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 probably 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 bedroomed 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 bedroomed 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 bedroomed 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 bedroomed 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 an 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 except 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.

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 o 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

Decision:

Notes:

.....

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:

.....

Background Papers

Internal departmental consultation replies.

COPY OF HISTORIC LISTING

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

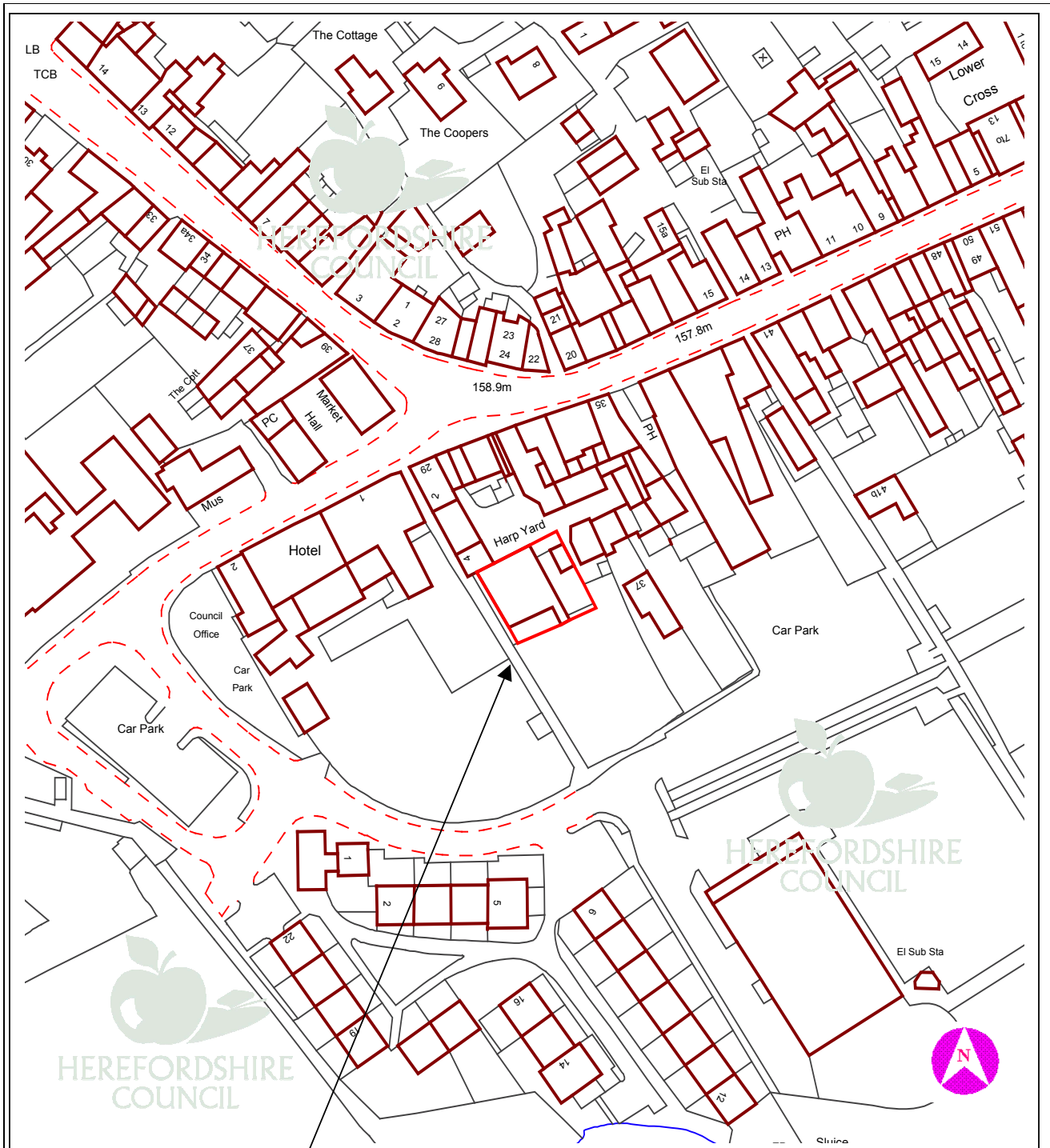
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

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.



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

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

SCALE : 1 : 1250

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

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