

AGENDA

Central Area Planning Sub-Committee

Date: **Wednesday 22 July 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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Agenda for the Meeting of the Central Area Planning Sub-Committee

Membership

Chairman **Councillor JE Pemberton**
Vice-Chairman **Councillor GA Powell**

Councillor PA Andrews
Councillor WU Attfield
Councillor DJ Benjamin
Councillor AJM Blackshaw
Councillor ACR Chappell
Councillor SPA Daniels
Councillor H Davies
Councillor GFM Dawe
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor MAF Hubbard
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor AT Oliver
Councillor SJ Robertson
Councillor AP Taylor
Councillor AM Toon
Councillor NL Vaughan
Councillor WJ Walling
Councillor DB Wilcox
Councillor JD Woodward

Non Voting **Councillor TW Hunt** Chairman of Planning Committee
 Councillor RV Stockton Vice-Chairman of Planning Committee

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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

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2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members.	
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4. ITEM FOR INFORMATION - APPEALS To be noted.	13 - 14
Planning Applications	
To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning and Transportation 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.	
5. [A] DCCE2009/0555/F AND [B] DCCE2009/0556/L - TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX Retention of arch and rebuilding of wall. Conversion of existing hay loft to flat in Coach House. Build stable block.	15 - 24
6. DCCE0009/0950/F - LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY Proposed amendment of 39 previously approved residential dwellings and their associated parking to 51 residential dwellings to plots 99-137 & 505-517 creating an additional 12 dwellings and their associated parking.	25 - 36
7. [A] DCCE0009/0936/F AND [B] DCCE0009/0937/C - GRIMWORTH COTTAGE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JN Demolition of existing house and construction of two new houses.	37 - 46
8. DCCE0009/0993/F - PLOUGH INN, LITTLE DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 6PW Erection of 7 no. dwellings comprising 5 no. open market houses, 2 no. affordable houses and a new vehicular access.	47 - 58
9. DCCW2008/2946/F - CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ Residential development of 20 houses comprising 13 open market houses and 7 affordable houses (amended access).	59 - 72
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HEREFORDSHIRE COUNCIL

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 24 June 2009 at 2.00 pm

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, WU Attfield, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AM Toon, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

14. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that, at the extraordinary meeting of Council on 12 June 2009, Councillor JE Pemberton was re-elected Chairman and Councillor GA Powell was re-appointed Vice-Chairman of the Sub-Committee.

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GA Powell, AP Taylor and NL Vaughan.

16. DECLARATIONS OF INTEREST

- 7. DCCW2009/0384/F - Upper Hill Farm, Breinton, Hereford, Herefordshire, HR4 7PH
Councillor PJ Edwards; Personal.
Councillor GFM Dawe; Personal.
Councillor DW Greenow; Personal.
Councillor MAF Hubbard; Personal.
Councillor DB Wilcox; Personal.

17. MINUTES

Referring to minute 8 [DCCW2009/0160/F – Land at Brook Farm, Marden], the Democratic Services Officer advised that reference to policy E9 in the resolution should be omitted; this policy related to home-based businesses.

RESOLVED:

That, subject to the above amendment, the minutes of the meeting held on 27 May 2009 be approved as a correct record and signed by the Chairman.

18. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

19. [A] DCCE2009/0555/F AND [B] DCCE2009/0556/L - TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX [AGENDA ITEM 6]

Retention of arch and rebuilding of wall. Conversion of existing hay loft to flat in Coach House. Build stable block.

Details of updates / additional representations received following the publication of the agenda were provided as follows:

- A further letter of objection had been received from Mr. Hodges of Ro-onica, Tarrington and the main points were summarised.
- The officer comments included: 'Trellis fencing is unlikely to be acceptable. There is no evidence of what existed originally in terms of the entrance and boundary treatment. Ultimately, the application must be considered on its merits and is considered an acceptable means of enclosure for the site and setting of the listed building'.

The Chairman, speaking in her capacity as the Local Ward Member, commented on a number of issues, including:

- The recent history of the site and the unauthorised construction of the arch and increase in height of the stone boundary wall.
- Extracts of communications by the Senior Conservation Officer were read out, including comments about the height, style and detailing of the arch and wall additions being out of keeping with the existing wall. However, it was noted that the latest comments reproduced in the agenda now considered this element to be acceptable. The Chairman expressed concerns about apparent inconsistencies and supposition in the comments.
- It was noted that the Parish Council and local residents had raised objections about the arch feature and the height of the wall, particularly given the impact on the setting and views of Tarrington Court.
- Although there were no objections to the conversion of the existing hay loft and the building of a new stable block, the retention of the arch and rebuilding of the wall element was not considered acceptable and, therefore, it was proposed that the application be refused as being contrary to HBA4 (Setting of Listed Buildings) and PPG15 (Planning and the Historic Environment).

The Senior Conservation Officer advised that the comments quoted regarding concerns about the height of the wall related to an earlier proposal. He also advised that, ideally, the arch feature would be more rusticated and less formal but it was not felt that this matter was so significant as to substantiate refusal of the application. It was acknowledged that the position of the original entrance was unclear but it was not considered that the revised gateway and access arrangements were unacceptable.

The Chairman commented that the current gateway access had been the main entrance to Tarrington Court for many years and the boundary wall was considered part of the heritage of the village.

Councillor PJ Edwards considered the style of the arch feature to be out of character with the listed building and the surroundings. In response to a question, the Development Control Manager advised that the Sub-Committee had no statutory authority to make 'split decisions' on planning applications; it was noted that this was permitted in respect of advertisement consents. Councillor Edwards suggested that consideration of the application be deferred to enable the applicants to reconsider the retention of the arch and the rebuilding of wall element.

Councillor RI Matthews supported the officer's appraisal and questioned whether a refusal of planning permission could be sustained on appeal.

Councillor MAF Hubbard commented on the impact of the proposals on the wider area, particularly on public views of Tarrington Court, and supported deferral.

Councillor MD Lloyd-Hayes felt that there were a number of matters that needed to be clarified and urged officers to ensure that the Local Ward Member was involved in the ongoing discussions.

Councillor AM Toon questioned what could be achieved through deferral and suggested that the officers be authorised to find a solution, in consultation with the Local Ward Member. The Development Control Manager, noting that the Sub-Committee had not raised objections to the proposed hay loft conversion and new stable block, said that a possible course of action would be to delegate authority to officers to approve the application subject to the withdrawal of the retention of arch and rebuilding of wall element from the proposal within 28 days. Some Members commented on the potential merit of this approach but Councillor Edwards maintained his view that the application should be deferred.

RESOLVED:

That consideration of planning applications DCCE2009/0555/F and DCCE2009/0556/L be deferred for further negotiations with the applicant.

20. DCCW2009/0384/F - UPPER HILL FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PH [AGENDA ITEM 7]

Change of use of barns to 2 nos houses.

Councillor RI Matthews, the Local Ward Member, said that there was no objection to the conversion of the barns in principle. In response to a question, the Principal Planning Officer confirmed that the drainage arrangements were considered satisfactory.

Councillor PA Andrews commented on the need for hedges around the visibility splays at the junction of the bridleway with the unclassified road to be trimmed back adequately.

Councillor MAF Hubbard felt that further consideration should be given to options to improve visibility at the junction.

Councillor DW Greenow considered the junction to be unsafe potentially as he did not feel that approaching drivers would necessarily anticipate emerging vehicles. He added that the hedgerows could only be cut back to a limited extent. In response to a question, the Principal Planning Officer advised that recommended condition 14 would require repairs and improvements to the access lane prior to the commencement of any other works. Councillor MD Lloyd-Hayes commented on the need for the lane to be safe for use and fit for purpose for all users.

In response to a question from Councillor AM Toon, the Principal Planning Officer advised that developers only had to commence development within 12 months in order to comply with the current policy relating to planning obligations.

Councillor SJ Robertson noted that significant additional traffic could be generated by these new dwellings which would increase the possibility of conflicting vehicles at the junction.

In response to a question from Councillor WJ Walling, the Principal Planning Officer advised that, although the owner of the lane had not reached an agreement with the applicant, a 'Certificate B' notice had been provided to the landowner for the purposes of the planning application. The Principal Planning Officer re-iterated that recommended

condition 14 would require the upgrading of the lane and, therefore, the applicant would need the consent of the landowner for the works. The Legal Practice Manager confirmed that land ownership was a civil matter with legislation separate to the planning process.

Councillor DB Wilcox noted that the conditions would ensure that the lane was upgraded but he felt it essential that provision was made for its future maintenance to an acceptable standard.

In response to a question from Councillor KS Guthrie, the Principal Planning Officer advised that the applicant did not own the land on the other side of the entrance and, therefore, it would not be possible to move it eastward.

Councillor RI Matthews felt that there were a number of points to clarify, principally relating to access upgrading, maintenance and land ownership issues. Therefore, he suggested that delegated authority be granted to officers, in consultation with the Chairman and himself as the Local Ward Member, to resolve the outstanding matters.

RESOLVED:

That officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Ward Member, be authorised to issue planning permission following further clarification regarding the outstanding matters identified by the Sub-Committee, subject to the following conditions and any further conditions considered necessary by Officers:

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

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

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

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

3. **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 architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan.

4. **D09 (Details of rooflights).**

Reason: To ensure that the rooflights are of an appropriate form and minimise the potential disruption to the appearance and continuity of the roofs in the interests of the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policies HBA12 and HBA13 of Herefordshire Unitary Development Plan.

5. **D10 (Specification of guttering and downpipes).**

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

6. D11 (Repairs to match existing).

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

7. D12 (Repairs in situ).

Reason: To ensure that the integrity of the building of local interest is preserved to ensure compliance with Policy HBA13 of Herefordshire Unitary Development Plan.

8. Prior to any works commencing a full timber frame repair schedule shall be submitted for approval in writing of the local planning authority and the repairs undertaken in accordance with the approved specification.

Reason: To ensure that the integrity of the building of local interest is preserved to ensure compliance with Policy HBA13 of Herefordshire Unitary Development Plan.

9. F14 (Removal of permitted development rights).

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

10. 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.

11. 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.

12. 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.

13. The specification for works to the surface of bridleway BT9, providing private vehicle access to the site, must be submitted for written approval by the highway authority and the planning authority before any work commences.

Reason: To comply with Policy T6 of the Herefordshire Unitary Development Plan.

14. Prior to the commencement of any other works on site, the access lane between the site and the unclassified 73022 road shall be repaired and

improved. This work shall be in accordance with details which have been submitted to and approved in writing by the local planning authority.

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.

15. 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.

16. I16 (Restriction of hours during construction).

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

17. I19 (Drainage in accordance with approved plans).

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

18. K4 (Nature Conservation - Implementation).

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

Informatives:

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

21. DCCW2009/0575/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF [AGENDA ITEM 8]

Provision of one dung midden as a replacement for those previously approved under application DCCW2008/0335/F.

Councillor RI Matthews, the Local Ward Member, commented on the sensitivity of the landscape and the need to ensure the best form of development for the area. In response to a question, the Principal Planning Officer advised that he was not aware whether an overflow pipe had been installed yet but confirmed that it was a requirement for the construction of a clean water pond (DCCW2008/2647/F). Councillor Matthews drew attention to the comments of Breinton Parish Council about landscaping and said that this needed to be maintained to mitigate the visual impact of recent developments at the farm. The Principal Planning Officer suggested an additional condition to ensure that the hedge was maintained to a certain height. In response to a question, the Principal Planning Officer advised that an offer by the applicant to install a French drain across the

access road did not form part of recent planning applications but officers would take the matter up with the applicant separately. Councillor Matthews considered that the application was acceptable on balance, subject to the midden walls being painted a suitable colour and the identified landscaping conditions being implemented.

A number of Members supported the views of the Local Ward Member.

RESOLVED:

That planning permission be granted subject to the following conditions and any further conditions considered necessary by Officers:

1. **The landscaping scheme approved under reference DCCW2008/2647/F shall be implemented in the next planting season following the date of this planning permission.**

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

2. **The external surface of the dung midden walls hereby approved shall be painted dark green (RAL 6003) within three months of the date of this permission unless otherwise agreed in writing by the local planning authority. The walls shall thereafter be maintained in accordance with the approved colour.**

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.

3. **The hedge to the north of the dung midden and running east - west shall be maintained at a minimum height of 2.5 metres for its entire length unless otherwise agreed in writing by the local planning authority.**

Reason: In the interest of visual amenity of the area and to conform with Policy LA6 of the Herefordshire Unitary Development Plan.

Informatives:

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

22. DCCE2008/1533/F - PRICKETTS PLACE, BOLSTONE, HEREFORD, HEREFORDSHIRE, HR2 6LZ [AGENDA ITEM 9]

Alterations and two storey extension to existing house.

Councillor GFM Dawe, the Local Ward Member, commented that the cottage was typical of the Herefordshire vernacular style and, although acknowledging that the existing building was quite small at 102 sq m, an extension of some 160 sq m of additional floor space was not compatible with policies H7 (Housing in the countryside and outside settlements) and H18 (Alterations and extensions). He also commented that the cottage was in a very sensitive area and concurred with the officer's recommendation of refusal.

Councillor PJ Edwards complimented the applicant on the quality of the material submitted in support of the application but said that this did not alter the fact that the

proposal would change the character of the cottage and have a detrimental impact on the setting and surroundings.

Councillor DW Greenow expressed a view that the existing cottage was not suitable for modern living standards and felt that the proposal would integrate sympathetically with the original building. He commented that the local parish councils had no objections to the applications and that the site was adjacent to, not in, the Wye Valley AONB.

Councillor AT Oliver noted that policy H18 sought to maintain the proportions of the traditionally smaller dwellings to ensure the retention of such accommodation and considered this application to be directly contrary to policy.

In response to questions, the Development Control Manager outlined the negotiations that had been undertaken since consideration of this application was deferred in February 2009. The Development Control Manager said that, whilst efforts had been made to reduce the size and the reconfigured scheme was considered better than the original submission, officers still considered that the proposal conflicted with policy.

The Chairman commented on the minimal proportions and limitations of the existing dwelling, the extensive negotiations undertaken, and the merits of the revised design approach.

Some Members felt the cottage to be too small to be habitable and supported the scheme. However, other Members noted the importance of retaining a mixture of housing types in rural areas and considered the size and scale of the proposed extension to be excessive in this instance.

RESOLVED:

That planning permission is refused for the following reason:

- 1. Having regard to Herefordshire Unitary Development Plan Policies H7 and H18 and the size and scale of the existing cottage the proposal is considered to be unacceptable. The proposed extension by virtue of their size and scale would not be in keeping with the character of the existing dwelling which would also not remain the dominant feature.**

23. DCCE2009/0786/F - LAND TO THE REAR OF 78 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TJ [AGENDA ITEM 10]

Proposed new dwelling.

The Senior Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- An e-mail had been received from the applicants to clarify a point raised by one of the objectors that the proposed dwelling is within 3.5-5.5 metres of the boundary and not 2-3 metres.

Councillor MD Lloyd-Hayes, a Local Ward Member, said that the principle of development was acceptable given the size of the plot and other backland style developments in the area. However, concerns were expressed about the absence of Section 106 contributions, particularly given the deficiencies identified by the Children and Young People Services Manager. The Development Control Manager confirmed that, subject to a 12-month commencement requirement in accordance with the current policy, no community infrastructure contributions would be required.

Councillor PJ Edwards drew attention to conditions 5 and 6, relating to the protection of trees and hedgerows, and commented on the need for measures to ensure that tree roots were not damaged.

Councillor WJ Walling, also a Local Ward Member, considered that the siting and appearance of the proposed dwelling to be acceptable and supported the application. However, he also expressed reservations about the current Section 106 policy.

RESOLVED:

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure the safeguarding of visibility splays at the access and any additional matters and terms as he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 2. **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. **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. **F15 (No windows in side elevation of extension).**
Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.
 5. **G02 (Retention of trees and hedgerows).**
Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.
 6. **G04 (Protection of trees/hedgerows that are to be retained).**
Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.
 7. **H03 (Visibility splays).**
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. 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. 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. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

13. F05 (Restriction on hours of use (industrial)).

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

14. I14 (Scheme of foul drainage disposal).

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

15. F14 (Removal of permitted development rights).

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

16. K4 (Nature conservation – implementation).

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

Informatives:

1. HN05 - Works within the highway.

2. **HN10 - No drainage to discharge to highway.**
 3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
 4. **N19 - Avoidance of doubt - Approved Plans.**
24. **DCCE2009/0935/F - 175 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1JJ [AGENDA ITEM 11]**

Alterations to dwelling to include a two-storey extension and attached garage.

The Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- A letter had been received from the agent to explain that the change of the design was intended to incorporate the latest technology by using a more sustainable material, which would give a higher insulation values in accordance with the government's guidelines in reducing carbon emissions. The applicant had also confirmed that he was willing to use a stain and obscure glazing to the rear of the first floor windows.
- It was reported that an additional condition would be attached to ensure the use of obscure glazing to the specific windows.

Councillor DB Wilcox, a Local Ward Member, drew attention to the recent planning history of the site and noted that planning permission had been granted in 2008 for the construction of two storey and single storey extensions (DCCE2008/1168/F). Councillor Wilcox considered that the design of this extant permission was satisfactory and better than the latest proposals. He felt that the impact on visual and residential amenity were key considerations and expressed concerns about the change in the roof design of the two storey element from a single gable to two gables. He also expressed concerns about the introduction of new windows, particularly the potential overlooking impact on the neighbouring property. He did not consider that the new scheme would preserve or enhance the Aylestone Hill Conservation Area. It was noted that the Conservation Manager had expressed a view that timber boarding would not impact upon the vistas from Aylestone Hill but Councillor Wilcox felt that there would be a direct impact upon the vistas from neighbouring properties and, given that the front of the building was rendered white, the timber boarding would be incongruous with the rest of the house and nearby buildings. He considered that the application should be refused as being detrimental to the amenity of the neighbourhood, particularly the immediate neighbour, and out of keeping with the character of the existing structure.

In response to questions, the Development Control Manager advised that the extension would not change the overall footprint of the approved extension and the Planning Officer advised that the proposal would result in a reduction of the roof volume compared to the approved scheme.

A number of members supported the views of the Local Ward Member. Some Members were concerned about the design of the windows and others felt that the external facing material would not be in keeping with the original dwelling.

The Development Control Manager drew attention to the comments of the Conservation Manager and, although noting that it was a matter of judgement, said that officers did not consider the impact of the new design elements to be so significant that the application should be refused. Referring to concerns about overlooking, he advised that the position and shape of the proposed windows should mitigate the impact on residential amenity. He also advised that two smaller gables might be a better architectural solution than a single, wide gable.

RESOLVED:

That

- (i) **The Central 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 and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
 - 1. **The application site is located within Aylestone Hill Conservation Area in Hereford City and the local planning authority consider that the proposed development, by virtue of its design and materials, would be out of keeping with the character and appearance of the main dwelling resulting in a harmful impact on the visual amenity of the locality and the conservation area and would additionally have an unacceptable impact on the amenity of the adjoining dwelling. The proposal is therefore considered contrary to Policies DR1, H18 and HBA6 of the Herefordshire Unitary Development Plan 2007.**
- (ii) **If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning and Transportation given the reasons put forward by Members.]

25. DATES OF FUTURE MEETINGS

22 July 2009
19 August 2009
16 September 2009

The meeting ended at 4.17 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2009/0309/F**

- The appeal was received on 18 June 2009.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mrs. J. Lisle.
- The site is located at The Crickets Croft, Little Dewchurch, Hereford, Herefordshire, HR2 6PN.
- The development proposed is Retrospective application for ancillary accommodation for elderly parents.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCW2008/2819/F

- The appeal was received on 12 June 2009.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. B. Symonds.
- The site is located at The White House, Tillington, Hereford, Herefordshire, HR4 8LW.
- The development proposed is Proposed single storey extension to side of dwelling.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947

Application No. DCCE2009/0592/F

- The appeal was received on 2 July 2009.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. L. To.
- The site is located at 10 Watermeadow Close, Hereford, Herefordshire, HR1 1JG.
- The development proposed is Two storey extension to form garden room with bedroom over, single storey extensions to extend kitchen and utility with link to garage to form storage room.
- The appeal is to be heard by Written Representations.

Case Officer: Rebecca Jenman on 01432 261961

5A DCCE2009/0555/F - RETENTION OF ARCH AND REBUILDING OF WALL. CONVERSION OF EXISTING HAY LOFT TO FLAT IN COACH HOUSE. BUILD STABLE BLOCK AT TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX

For: Mrs. C. Jago per SSM Building Company, Sheepcote Pencoyd, Harewood End, Herefordshire, HR2 8JH

5B DCCE2009/0556/L - RETENTION OF ARCH AND REBUILDING OF WALL. CONVERSION OF EXISTING HAY LOFT TO FLAT IN COACH HOUSE. BUILD STABLE BLOCK AT TARRINGTON COURT, TARRINGTON, HEREFORDSHIRE, HR1 4EX

For: Mrs. C. Jago per SSM Building Company, Sheepcote Pencoyd, Harewood End, Herefordshire, HR2 8JH

Date Received: 18 March 2009

Ward: Backbury

Grid Ref: 61646, 40502

Expiry Date: 13 May 2009

Local Member: Councillor JE Pemberton

Introduction

These applications were deferred at the Central Area Planning Sub-Committee on 24 June 2009 to allow further negotiations to take place with the applicant regarding the content of the applications and the detail of the proposals for the wall.

The report has been updated following discussions with the applicant and an additional representation received.

In summary, the applicants wish the applications to be determined in their present form and have made further comment on that discussed at Committee and the site visit, which is detailed at paragraph 5.4.

1. Site Description and Proposal

1.1 The site lies in the south western corner of Tarrington village adjoining but outside of the defined settlement as identified by the Unitary Development Plan. The curtilage is enclosed by unclassified road 66207 to the north, unclassified road 66209 to the west and unclassified road 66208 to the east. Tarrington Court itself is a late 16th Century/early 17th Century timber frame farmhouse under a pitched tiled roof. Immediately south of which is a detached Victorian coach house converted to a garage at some stage in the mid-20th Century and constructed from traditional Herefordshire red brick under a pitched tiled roof. South of which

is a former cider house with attached hop kilns dating to early 19th Century, constructed from timber frame with brick infill and a mixture of tiled and slated roofs. Both Tarrington Court and the cider house and hop kilns are individually Grade II listed. The cider house and hop kilns are now used as offices in connection with the applicant's business. The properties as a whole are set within spacious landscaped ground with a single vehicular access off unclassified road 66208 to the east which is also designated as a public right of way ref:TR8. The majority of the curtilage is defined by a stone wall varying in height between a metre and two metres.

1.2 Planning and Listed Building Consent is sought for three separate proposals. These are as follows:

1. Retention of works already carried out to the stone boundary wall running along the northern boundary of the curtilage including the introduction of a pedestrian access in place of the existing vehicular access through the construction of a stone wall incorporating an arch over the door. Also proposed is the continued increased height of the wall along the remainder of the frontage to tie in with the remnants of the existing wall in the north western corner.
2. Conversion of the first floor of the former coach house to one bedroomed flat to be occupied by staff.
3. Construction of a detached three bay stable block constructed from brick with oak timber frame under a pitched tiled roof to be sited on land east of the dwelling.

2. Policies

2.1 Planning Policy Guidance Notes:

PPG15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
H7	-	Housing in the countryside outside settlements
HBA1	-	Alterations and extensions to listed buildings
HBA3	-	Change of use of listed buildings
HBA4	-	Setting of listed buildings

3. Planning History

3.1 Extensive history for alterations both to the principal dwelling, outbuildings and development within the curtilage but the two most recent applications of note are:

CE2008/1388/F - Replace gateway at entrance, the repair of gates and pedestrian gate to side. Approved 23 July 2008.

CE2008/1389/L - Close up existing driveway at entrance, build archway wall and pedestrian gate, reinstate wall to original height, alter gateway at entrance B. Listed Building Consent

Approved 23 July 2008 (alterations to close up existing entrance and build archway were removed from the Listed Building application).

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions on foul and surface water drainage.

Internal Council Advice

- 4.2 Traffic Manager: No objections.

- 4.3 Conservation Manager:

Boundary wall and arch feature

The existing wall would appear to date from the 18th / early 19th century due to its stone construction. It forms the curtilage of the house and would appear adjacent to the gate to have been at some point an animal pen or storage area as it loops round to enclose a small area of land. Indeed the 1st edition Ordnance Survey map shows that this area appears to be part of a substantial farmyard with a number of buildings all of which have now been removed. Adjacent to the lane, which leads up to Tarrington Common, the wall has been retained at its original height with a coping detail. However once it turns onto school road the top section of the wall appears to have been removed and no coping detail has been formed which allows it to continue to slowly decay. The issue to consider therefore is should this element of wall be reinstated to its presumed original height. This can be gauged from the surviving element of wall and it would be assumed that it would follow the contours down the site at the same height. Therefore given the height of the wall is known and that a matching stone, coping detail and mortar are available we believe that it would be appropriate to reinstate the wall to its original height and design. This should enhance the presence to the roadside and given the uplift in height is relatively minimal would not have a detrimental impact on the setting of Tarrington Court or the surrounding area.

With regards to the gateway this is a more balanced judgement and should be looked at with regards to the overall landscaping of this area of the site. Unfortunately the landscape is not mentioned in the Survey of Historic Parks and Gardens in Herefordshire. Previous to the installation of this gateway there was a substantial tarmaced road, which led up to the house. This was detrimental to the setting of the listed building. The current owner took this up as part of a general review of the landscaping. Whilst this did not need consent it was most welcomed. The issue then to resolve was the scale of the access within this frontage to the property. Given the current lack of documentary and physical evidence it is unclear whether this was the original access to the court although we suspect that it was not. The landscaped original approach to the house would appear to have been located further east in front of the principal elevation. Evidence for this compartmentalisation can be seen on the 1st edition OS map which shows 2 parallel lines running between the house and school lane. One of these can still be seen on current maps. These linear features are what would be expected for the gardens/ landscapes of the time of construction where the access was designed to frame the approach to the house and impress guests and residents. The current gateway access would therefore appear to be a secondary access relating to the use of the now demolished farm buildings. Evidence for this can also be seen in the lack of fine entrance piers / features. As the status of the building changed and the various ideas of landscape gardening changed over time the accesses moved and for a time this became the primary access. However there was no upgrade in its design status and it retained the character of a farmyard access.

Given the continued evolution of the building and that the entrance no longer relates to its original use we do not believe that it was necessary to be retained in its existing form. However the idea of an access from this point needs to be retained so that the evolution of the site can be understood and appreciated. The raising of the wall over the gate is a satisfactory form and given that our concerns about the height have been addressed so that it flows through more comfortably we would not object to this feature. Given that this is a secondary access we do not believe that it needs the fine mouldings / detailing that can be found to other properties within the street and therefore the proportions detailing and finish would be in keeping with the overall character of this element of the proposal.

We believe that there would also be a major enhancement to the public realm with the removal of the tarmaced area and the landscaping of this site. This would benefit both the setting of Tarrington Court and the wider local area. We therefore believe that an appropriate scheme has been arrived at which would on balance preserve the character of both the listed wall and the setting of Tarrington Court and would support this element of the application.

Conversion of coach house

We believe that the building is capable of being converted and in principle therefore support this scheme. Minor amendments are recommended including changing the dormers so as only one is full sized so as to give the appearance of a loading bay for the coach house along with further information on the detailing. The building does not need symmetrical elements and an attempt to introduce this would be detrimental to the buildings character.

Proposed stables

The positioning of this building is acceptable. However further clarification on the setting down of the stable block into the ground is required in order to reduce its overall impact and maintain its subservience within the complex. It will also require a number of design changes including changing the upper gable elements to weatherboarding, using windows in the gables rather than a rooflight, slightly reducing the height of the building by reducing the span, increasing the size of both the posts and the bracing and removing the large projecting pediment with the clock and instead have a smaller gable element, which could still sit comfortably within the roof and substantially reduce the mass of the building and still contain the clock.

4.4 Public Rights of Way Manager: No objections.

5. Representations

5.1 Tarrington Parish Council:

With regard to the stable block and the conversion of the hay loft, the Parish Council has no objections, provided that sympathetic materials are used for the stable block and the sewerage system has the capacity for the additional connection from the hay loft.

With regard to the archway, the Parish Council does have objections, for the following reasons:

1. The wording of the application is misleading as regards the building works that have recently taken place. The archway and door did not exist until 2008 when they were built without planning permission. This archway is shown on the application as 'existing'.
2. No reasonable justification has been given for the replacement of the original gate by a door and archway. The style of the archway is not in keeping with the rural nature of the local area.

3. There is no evidence to show that the wall was ever higher than it is now and we enclose photographs to show that the wall as it stands at present is in fact in keeping with the style of other boundary walls in the village.
4. The Parish Council does not consider that the applicant has justified the reasons for raising the height of the wall and again we stress that it would be out of character with most of the stone walls in the village.
5. The original wall and gate form part of the curtilage of a Grade II Listed Building and should not be modified in any way.

The Parish Council does not consider this part of the application to be acceptable and therefore recommends that the application be refused.

5.2 Six letters/e-mails of objection have been received to the planning and listed Building Consent from Robert and Veronica Hodges of Ro-Onica, Tarrington (two letters), M. Wessell and Dr. R. Nayler of Aspen Cottage, Tarrington and John Pearce. The main points raised are:

1. The archway has a gothic style that adversely affect the setting and views of the property and is not suitable for this period of house which originally was a farmhouse.
2. The raising of the height of the boundary wall is stated as needed for security reasons yet the property is now in the National Gardens Book and open to the public.
3. The previous opening and five-bar gate was in place in 1956 and complemented the house, the proposals detract from the property.
4. The wall and proposed arch detract from the historic and architectural heritage of the listed building.
5. The arch and wall are contrary to Policies HBA4 and HBA8 of the Unitary Development Plan and guidance contained in PPG15.
6. The application for a wall and arch are retrospective.
7. There is no evidence to show that the wall ever continued at the higher height as is now proposed.
8. There are other more appropriate means of providing privacy such as a fence with roses and honeysuckle or a native hedge.
9. The proposed stable block will be an over development of the site and spoil the main entrance to Tarrington Court.
10. The stable block may cause pollution of local water courses.
11. Most other walls in the village are lower in height.
12. An application for a trellis would be a formality.
13. The entrance at The Vine was reclaimed from a chapel near Dormington and erected over 100 years ago. It is not appropriate to compare The Vine with the application site.
14. The village Pound was in a different location in the village between 1838 and 1904.
15. The 1886 Tithe Map identifies an entrance.
16. There is no objection to continuing the wall at the height of the gate; the objection is to the arch.

5.3 8 letters/e-mails of support have also been received from The Doctors House, Vine End, The Coppice, Lays Farmhouse, 14 Pound Close, Heritage Cottage, The Vine and Revd Peter Hammersely of 15 Pound Close. The main points raised are:

1. The issue has been blown out of all proportion and for the sanity of the village; it would be nice to have the matter resolved.
2. The new structure is entirely in keeping with its surroundings and the age and history of Tarrington Court.
3. The works have been done to a high standard with natural and matching materials and will match the wall and arch at the Vine.

4. The works when complete will improve the aesthetics of the locality compared with the previous situation.
5. There is no evidence that an access existed here historically.

5.4 An e-mail and letter has been received from the applicants. The main points raised are:

1. There is no evidence that the area where the wall is higher is as a result of farm buildings.
2. One of the previous owners of the property, Lady Curtis advises that the area adjacent to the wall was historically a village pound. The wall must therefore have been higher otherwise the animals would have escaped.
3. The area inside of the new pedestrian access was historically a moat, which was filled in by Mr. Foley in the 60's, and therefore it is highly likely that there was no entrance here originally.
4. The 1838 Parish Tithe Map appears to indicate that there was no entrance here originally.
5. The inspiration for the design of the arch was taken from the wall and arch at The Vine near the application site.
6. The arch compliments the setting of Tarrington Court.
7. As soon as a letter was received from the Council's planning enforcement officer on 29 April 2008, all works ceased and the wall has remained unaltered since then.
8. The works carried out to the other entrance to the property including the new traditionally built Herefordshire stone wall add to the setting of the Court and the entrance to the public footpath.
9. The removal of the previous tarmac drive has also enhanced the setting of the property.
10. Views of the Court will still be visible over the wall from the public highway and footpath.
11. The parish council vote against the application was only made on a majority of one and the letters of support show that the consensus of the village is not against the wall as previously stated.
12. The Council cannot protect a view of a listed building as a high conifer hedge could be planted (but is not desired or proposed) which would entirely screen the Court from view.
13. Planting a conifer hedge or erecting fencing would be an easier and cheaper option but the aim is to preserve Herefordshire's heritage by re-building the traditional stone walls for generations to come.

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

6. Officer's Appraisal

6.1 The applications comprise three separate elements:

1. The retention of arch and increase in height of existing stone boundary wall,
2. Conversion of first floor of coach house to one bedroom staff accommodation, and
3. Construction of stable block.

Retention of stone arch and pedestrian gate and increase in height of the existing boundary stone wall.

6.2 This application is part retrospective in so much as the previous vehicular access has been closed off through the construction of a stone wall incorporating a stone arch over a new

pedestrian door. This is perhaps the most locally controversial element of the applications and has generated objections from local residents and the Parish Council.

- 6.3 Firstly, there is no objection to the closure of the existing vehicular access and its change into a pedestrian access only. The works to achieve the archway over the pedestrian access through increasing the height of the stone wall, in isolation, would be unacceptable. However, once the wall is continued at an increased height to tie in with the existing height as is proposed, it is considered that this will form an acceptable boundary treatment and preserve the setting of the listed property. Public views of the listed property will still be available over the wall and from the public footpath that runs through part of the curtilage. Furthermore, neither policy HBA4 of the UDP nor advice within PPG15 specifies that public views of a listed building must be maintained.
- 6.4 The existing arch is constructed to a high standard using matching materials and traditional construction methods and this quality is to be maintained for the remainder of the wall including the use of matching coping. The wall in its own right as a boundary feature and its compatibility with the principal listed buildings and their setting is therefore acceptable.
- 6.5 Also of note are the Conservation Manager's comments, which are detailed in Paragraph 4.3. The Conservation Manager has examined in some detail the acceptability of the arch and works to the wall with the conclusion being that they will preserve the character of both the listed wall and the setting of Tarrington Court and therefore they also raise no objection to these elements.

Conversion of first floor of coach house to one bedroom flat:

- 6.6 The coach house is now occupied as a garage with the first floor largely being unused other than ancillary storage. Adequate space exists within the roof to accommodate a modest one bedroom flat and the principle of the works and the use as staff accommodation subject to a restriction tying the accommodation to the principal dwelling is acceptable. Light is being achieved through rooflights on the rear (west) elevation with two dormers proposed on the front elevation, access has been achieved by way of new stable steps off the northern gable. The works are in keeping with the character and appearance of the building.

Erection of stables:

- 6.7 The scale and proportions of the stables are designed to reflect the scale of the adjacent coach house. The siting will ensure the levels can also be lower so as the stables are viewed as a secondary element on the principal approach to the group of buildings as suggested by the Conservation Manager. The materials will also harmonise with the coach house, this being traditional red brick with weather-boarded gables and a clay tile roof.
- 6.8 The applicants have agreed to reduce the height of the stables through reducing its span with a slightly shallower pitch and design changes have also been agreed to simplify its appearance. The stable building will harmonise with the existing listed buildings and preserve their setting.
- 6.9 The proposals as a whole are considered acceptable in accordance with Policies HBA1 relating to alterations to listed buildings and HBA4 relating to setting of listed buildings in particular.

Planning Permission – DCCE2009/0555/F

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The proposed works to the northern boundary wall shall be completed in accordance with the approved plans within 6 months of the date of this planning permission or in accordance with a timescale to be agreed in writing with the local planning authority within one month of the date of this permission.

Reason: To ensure the completion of the wall in order to safeguard its character and appearance and the setting of Tarrington Court and comply with Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

2. C01 (Samples of external materials).

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

3. F13 (Restriction on separate sale).

Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 and HBA4 of Herefordshire Unitary Development Plan.

4. I18 (Scheme of foul drainage disposal).

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

5. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

6. 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.

7. 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.

8. 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 PP/LBC/CAC.
- 2. N19 - Avoidance of doubt - Approved Plans.

Listed Building Consent – DCCE2009/0556/L

RECOMMENDATION

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

- 1. The proposal works to the northern boundary wall shall be completed in accordance with the approved plans within 6 months of the date of this listed building consent or in accordance with a timescale to be agreed in writing with the local planning authority within one month of the date of this permission.

Reason: To ensure the completion of the wall in order to safeguard its character and appearance and the setting of Tarrington Court and comply with Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

- 2. D02 (Approval of details).

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 of Herefordshire Unitary Development Plan.

Informatives:

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

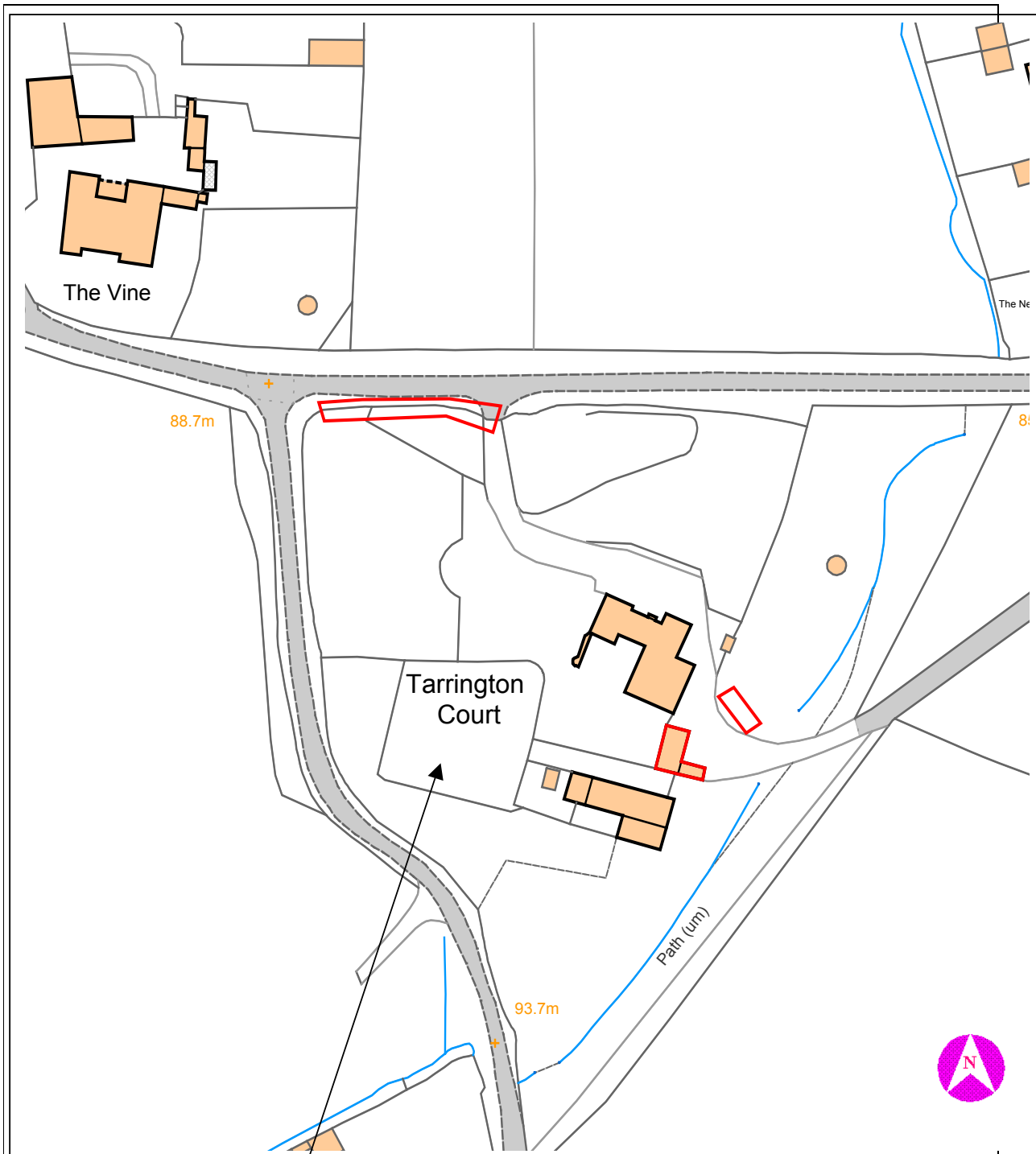
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCCE2009/0555/F & DCCE2009/0556/L

SCALE : 1 : 1250

SITE ADDRESS : Tarrington Court, Tarrington, Hereford, Herefordshire, HR1 4EX

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Further information on the subject of this report is available from Mr. R. Pryce on 01432 261957

6 DCCE0009/0950/F - PROPOSED AMENDMENT OF 39 PREVIOUSLY APPROVED RESIDENTIAL DWELLINGS AND THEIR ASSOCIATED PARKING TO 51 RESIDENTIAL DWELLINGS TO PLOTS 99-137 & 505-517 CREATING AN ADDITIONAL 12 DWELLINGS AND THEIR ASSOCIATED PARKING AT LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY

For: Taylor Wimpey per Focus on Design, The Old Brewery, Lodway, Pill, Bristol, BS20 0DH

Date Received: 8 May 2009

Ward: St. Martins & Hinton

Grid Ref: 51125, 37966

Expiry Date: 7 August 2009

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

1. Site Description and Proposal

- 1.1 The site is located on the southern edge of the city accessed off Bullingham Lane to the west and borders Hoarwithy Road to the northeast and the railway line to the south. The site comprises part of the last phase (Phase 3) of the residential development of the former SAS camp at Bradbury Lines. Outline planning permission was approved in February 2005 for a mixed use development of the site. This permission superseded a planning permission in 2004 for Phase 1. Over the past five years or so several detailed permissions have been submitted and approved comprising Phases 1 and 2, all of which are now complete and occupied.
- 1.2 On the 19 August 2008 the final Reserved Matters permission was approved for the whole of Phase 3 comprising of further 151 1, 2, 3, 4 and 5 bedroom units and 2 bedroom apartments taking the total number of units for the site as a whole to 608. Phase 3B comprising 48 units is now constructed and the majority are occupied. Phase 3C is currently under construction and Phase 3D is yet to be implemented.
- 1.3 This application seeks permission to vary the Reserved Matters permission approved last summer relating to part of Phase 3C and all of Phase 3D. In addition, part of Phase 3D totalling 14 detached units also now has planning permission for a residential care home approved earlier this year. Therefore, the application proposes a variation of the layout, dwelling designs, types and sizes and an increase the density from the permitted 39 units to 51 units. There are no changes to the principal road layout and cycleways, the affordable housing provision, areas of public open space, formal play and sports provision or the community land that has previously been approved as part of earlier permissions. Amended plans are awaited to address concerns regarding the layout, these are discussed in detail in the officer's appraisal.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S1 - Sustainable Development

S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H2	-	Hereford and the Market Towns: Housing Land Allocations
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking

3. Planning History

- 3.1 CE2001/2756/O Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 19 January 2004.
- 3.2 CE2001/2757/O Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 10 February 2005.
- 3.3 DCCE2004/0095/RM Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/garages, roads and sewers thereto and landscaping. Approved 2 June 2004.
- 3.4 DCCE2005/1230/RM Construction of 130 dwellings, provision of public open space and associated works. Approved 18 October 2005.
- 3.5 DCCE2004/1545/RM Proposed erection of 70 residential mixed dwellings. Withdrawn.
- 3.6 DCCE2005/1130/RM Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, car parking/garages, roads and sewers thereto and landscaping (Phase 2). Approved 9 August 2005.
- 3.7 DCCE2005/1991/F Variation of Condition 29 of Outline Approval CE2001/2757/O. Approved 17 August 2005.
- 3.8 DCCE2005/3145/RM Provision of central area of public open space. Approved 22 November 2005.
- 3.9 DCCE2005/3706/RM Proposed 2, 3 and 5 bedroom mixed residential development for 21 dwellings with associated accesses and garaging. Approved 8 February 2006.
- 3.10 DCCE2006/1928/RM Proposed 2, 3 and 4 bedroom mixed residential development Phase 2B. Amendment to permission CE2005/1130/RM to include construction of 14 dwellings. Approved 15 September 2006.

- 3.11 DCCE2007/2193/RM 152 new dwellings consisting of 1, 2, 3 and 4 bedroom flats and houses, associated garages, highways and external works. Withdrawn 26 October 2007.
- 3.12 DCCE2007/3860/RM A development of 151 dwellings consisting of 2, 3, 4 & 5 bedroom houses with 1+2 bedroom apartments (Phase 3). Approved 19 August 2008.
- 3.13 DCCE2009/0098/F Proposed development of residential/nursing home. Approved 9 March 2009.
- 3.14 DCCE2009/0142/F Proposed replacement of 9 residential dwellings and their associated parking (plots 49-51, 56, 61-63, 67 & 68 previously approved DCCE2007/3860/RM) with 14 residential dwellings to plots 49-51, 56, 61-63, 67, 68 & 500-504 creating an additional 5 dwellings and their associated parking. Resiting of the parking associated to plots 57 & 58. Approved 20 March 2009.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency:

Background

Outline planning permission was given for housing on the above site. The application indicated 500 dwellings, although no definitive ceiling or number was stipulated on the consent.

In 2005 the Highways Agency objected to two reserved matters applications for 424 dwellings, as it was evident from the reserved matters applications that the remaining site, if developed would bring the total number of dwellings up to 609 if developed at the same density. During further consultation and assessment work, the Highways Agency agreed that the trunk road network along with the agreed mitigation measures would be able to accommodate up to 609 dwellings on the site.

Subsequently, a reserved matters application for 152 dwellings (DCCE2007/2193/RM) was submitted and reviewed by the Highways Agency in August 2007. The Agency responded with no objection to the application as the total number of dwellings on the site only exceed the 609 dwelling threshold, agreed in the previous consent, by 1 dwelling, and all mitigation and drawings were also the same as those agreed with the previous application. This application was later withdrawn.

A further reserved matters application was submitted in December 2007 in relation to the erection of 151 dwellings (DCCE2007/3860/RM) at the site, to which the HA responded with no objection as the previously agreed mitigation measures were also included.

Current Development Proposals

It is understood that a parcel of land was sold for use as a care home, and consequently, the remaining plot has been 're-planned' to incorporate a higher density of dwellings to amount to a total of 611 dwellings at the Bradbury Lines site.

Highways Agency Planning Manager, Joanna Goulding's letter of 8 July 2005, in response to reserved matters applications DCCE2005/1130/RM and DCCE2005/1230/RM, stated the following:

"any development proposals above the threshold tested, i.e. 609 dwellings would require further investigation and is likely to be strongly opposed by the Agency."

It is the case that the number of housing units will increase to a total 611 dwellings, which is an increase of 2 above what was previously threshold tested, the Highways Agency would have no objection.

It must be noted though, that any development over and above this level will require further investigation, and consequently, it is likely that any planning application for the care home will need to assess its impact upon the Bullingham Lane signalised junction with the A49 trunk road."

- 4.2 Welsh Water: No objection subject to conditions regarding foul and surface water disposal.

Internal Council Advice

- 4.3 Traffic Manager: No objection in principle but minor concerns exist regarding the layout such as parking provision for the 4 bed units.

Comments awaited on revised plans.

- 4.4 Conservation Manager (Landscape): No comment.

- 4.5 Strategic Housing Manager: No objection.

- 4.6 Children and Young People's Directorate:
The educational facilities provided for this development are South Hereford City Early Years, St Martins Primary School, Hereford Academy High School and South Wye Youth. A contribution is requested to the enhancement of educational infrastructure at these facilities where capacity in all year groups does not exist (to include 1% for Special Education Needs).

5. Representations

- 5.1 Hereford City Council: No objection.

- 5.2 Two letters of objection has been received from Hereford Civic Society and Mr Heron of 9 The Hawthorns, the main points raised are:

- We find the proposed site overcrowded and overdeveloped and the intensification is unacceptable.
- The extra dwellings means a loss of green space and a loss of the most green corridor.
- There is a lack of community amenities.
- The site may accommodate the need for car parking but seems to ignore the need for children's play areas.
- Section 106 payments should go up by 20%.
- This development is dated and unsustainable and the Civic Society hope this is the last example of this form of development in the City.
- The developers advised that only 6 luxury dwellings were to be constructed to the rear of the Hawthorns when the properties were purchased, 24 dwellings are now proposed.

- The road to The Hawthorns is one of the smallest on the estate with parking problems and will have to cope with another 48 cars if this application is approved. An alternative or second access should be provided.

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

6. Officer's Appraisal

The Principle

- 6.1 Both outline and reserved matters approvals now exist for the development as a whole including all of Phase 3 and the land the subject of this application. The total number of approved units is 608 with 151 being accommodated within Phase 3 and approved August 2008. Therefore, the principle of the development is established as is the general form of the layout in terms of the areas where housing is now proposed.

Density

- 6.2 The total number of units now proposed is 611, this being an additional 3 units over previous approvals. By virtue of the planning permission for the care home and the dwellings lost as a result of this permission, an extra twelve units are now being accommodated on the area of land the subject of this application. As such, the total number of units on the application site has increased from 39 to 51. This equates to a density of just over 50 dwellings per hectare, which is above the approved density across Phase 3 as a whole which is around 45 dwellings per hectare, this being similar to Phase 2.
- 6.3 Policy H15 of the Herefordshire Unitary Development Plan requires the efficient use of previously developed land and sets an indicative minimum net density of 30 dwellings per hectare rising up to 50 dwellings per hectare on town centre sites. Therefore, whilst the overall density and density of this part of the site is at the upper limits of that recommended by Policy H15, it is comparable with other phases now built across the site and will achieve a consistent character of development. Furthermore, the density of this application site can be higher as all the strategic infrastructure such as roads, public open space, play areas and other community facilities is or will be provided on adjoining land and other parts of the site. This therefore leaves a high developable area thus providing the ability to increase the density. Ultimately, however, the appropriateness of the increased number of units on the site must be assessed against the residential environment that is created in terms of the layout, housing scales, design, materials, parking and so on.

Highway Impact

- 6.4 The Highways Agency did not object to the previously approved application, which took the total number of units up to 608. Since then the A49/Bullingham Lane junction alterations required by the Agency have been completed which further increase the junction capacity. The Agency has again raised no objection to this application. However, the Agency is currently reviewing the proposed application alongside recently permitted developments and their further comments are awaited.

Layout

- 6.5 The physical boundaries of the area proposed for development has not changed under this application to that which has been previously approved. As such, the layout is largely dictated by the built and approved road infrastructure, areas of public open space and

adjoining community land. The general principles achieved across earlier phases of creating an outward facing development has been maintained with the revised proposal. All dwellings are designed and orientated to address roads, cycleways and public open space to create a sense of enclosure.

- 6.6 Parking is being provided through a mixture of on plot and small parking courts to the rear of, and overlooked by houses. Internal access roads have been downgraded to create a more informal appearance. Access via The Hawthorns has been previously approved and the Traffic Manager raises no objection to this notwithstanding the objectors concerns. The garden sizes are generally relatively small but are commensurate with the size of the dwellings now proposed and that which has been approved elsewhere within Phase 3. All proposed properties will also be located within 150 metres of public open space. General amenity standards are not untypical of a higher density brownfield development and will be compatible with surrounding approved development. Nevertheless, concerns have been expressed regarding aspects of the layout as a result of the higher density and the applicants are currently reviewing the plans.

Housing Mix

- 6.7 The applicant's desire to change the approved development arises principally from current market conditions. This being for modestly priced two and three bedroomed units as opposed to larger four and five bedroomed units. As a result, the majority of the four and all the five bedroomed detached units have been removed from this part of the development and replaced with smaller two and three bedroomed properties. Across the site as a whole a broad mix of one to five bedroomed sized properties has been constructed and therefore it is not considered unacceptable to accommodate predominantly two and three bedroomed units on this part of the site.
- 6.8 The housing comprises a mixture of terraced, semi-detached and detached properties with a small number of flats above garages. Nearly all the properties are two storeys in height with the exception of four properties in the north-western corner, which are 2½ storeys. This is considered necessary to ensure an acceptable transition between the existing three storey flats and proposed development.
- 6.9 The affordable housing is being provided within other parts of Phase 3 and the 36% requirement set in the Section 106 is being achieved with a mixture of predominantly rented and a small amount of shared ownership tenure. Although the mix and balance of accommodation is not as varied as with the previous scheme, the need to provide affordably priced units particularly in the current economic climate is a material planning consideration.

Design

- 6.10 Eight different property designs are proposed with the predominant material being brick with some part and full rendered properties under pitched tiled roofs. Additional architectural interest is achieved through occasional half dormer detailing within the roof space and subtle changes to the fenestration and porch detailing. The designs are fairly typical of a development of this nature and given the same developer is involved, will largely follow that which has been constructed to date within Phase 3 and other parts of Phase 2.

A selection of street scene illustrations have also been provided which demonstrate sufficient variation and interest through subtle changes in the siting and orientation and the overall mass being broken up through the introduction of garages and variations in height. Continuity of design and architecture will be maintained through Phase 3 which given the context of the site, will achieve an acceptable residential environment.

Other Matters

6.11 Parking

A minimum of two spaces (inclusive of garages) is being provided per unit. This parking ratio is above that required by Policy H16 of the Unitary Development Plan but is considered an appropriate provision given the location of the site on the edge of the City. Furthermore, 47 of the 51 units now proposed are two and three bedroom in size with only four being four bedrooms in size and therefore two spaces in general is considered acceptable. Amended plans have been requested to ensure that all 4 bedroom properties have 3 parking spaces. The bus service through the site is now also in operation which will provide a genuine and convenient alternative to travel by car. Further contributions have also been provided by the developer to enhance other sustainable access links to the site.

Section 106

- 6.12 All of the contributions required by the original Section 106 have now been paid in full and as highlighted above, the requirement for 36% affordable housing across the site as a whole has also been met.
- 6.13 The phase 3 planning permission approved last summer was subject to a further Section 106 Agreement in the form of a roof tax contribution associated with each dwelling above the original 500 unit estimation identified in the outline permission. A figure of £4,250 per residential unit was agreed. It has now also been agreed with the applicants and the Planning Obligation Manager that this roof tax figure will also apply to the additional three units proposed as part of the development. The additional contributions being used towards the enhancement of off-site community infrastructure including education, sustainable transport, community building, graveyard capacity and sports and recreational facilities.

This roof tax figure is a significant increase on that which was achieved from the original S106 but is less than required by the Supplementary Planning Document on Planning Obligations (SPD) based on dwelling numbers. However, the revised proposals result in a reduction in bedroom numbers across Phase 3 from 445 to 395 and therefore the proposed roof tax figure, using the formulae within the SPD and based on bedroom numbers is considered acceptable.

Sustainability Measures

- 6.14 The whole of Phase 3 was required to meet the Eco Homes standard of Very Good and the required independent assessment confirming that that standard had been achieved has been provided by the developer. This standard increases the environmental credentials of the site considerably and particularly the energy efficiency of the houses. The developers are seeking to maintain this or a similar standard with the dwellings the subject of this application and confirmation on this matter is awaited.

Conclusion

- 6.15 The higher density form of the current proposals has not unacceptably compromised the final layout and appearance of the development or the residential environment that would be created in the context of the site and its surroundings, there is no loss of public or other green space, community facilities or affordable housing and the Section 106 requirements are being met.

- 6.16 Amended plans are awaited to address minor layout changes including achieving a more harmonious juxtaposition of some of the proposed dwellings to existing built or approved development and also achieving three accessible parking spaces for each of the four bed units as recommended by the Traffic Manager. A further consultation has also been carried out with the Highways Agency and although they raise no objection to the original plans, their final comments are awaited on the amended proposals.
- 6.17 On this basis, the revised proposals are considered acceptable and delegated authority is therefore required to enable the minor outstanding issues to be resolved and subject to the Highways Agency maintaining their present 'no objection' response, the completion of an amended S106 agreement relating to the proposed additional three units.

RECOMMENDATION

1. **Subject to the receipt of suitably amended plans relating to the position and orientation of some of the dwellings and increased parking provision for all four bedroom units.**
2. **Subject to there being no objection from the Highways Agency.**
3. **The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
4. **Upon completion of the aforementioned Planning Obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and further conditions considered necessary by Officers:**

Conditions

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

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

2. **During the construction no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3. **Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no new permeable or impermeable hardstanding shall be created between any highway or footpath and the frontages of the approved dwellings other than expressly authorised by this permission.**

Reason: In order to maintain the visual amenity of the area and to comply with Policy H13 of the Herefordshire Unitary Development Plan.

- 4. All integral and attached garages and access thereto must be reserved for the garging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation or used for any other purpose incidental to the enjoyment of the dwelling house as such.

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

- 5. H11 (Parking - estate development (more than one house)).

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

- 6. B06 (Implementation of one permission only).

Reason: For the avoidance of doubt and to comply with the requirements of Policies DR1 and H13 of the Herefordshire Unitary Development Plan.

- 7. I56 (Sustainable Homes Condition).

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan and PPS1 Supplement 'Planning and Climate Change'.

Informatives:

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

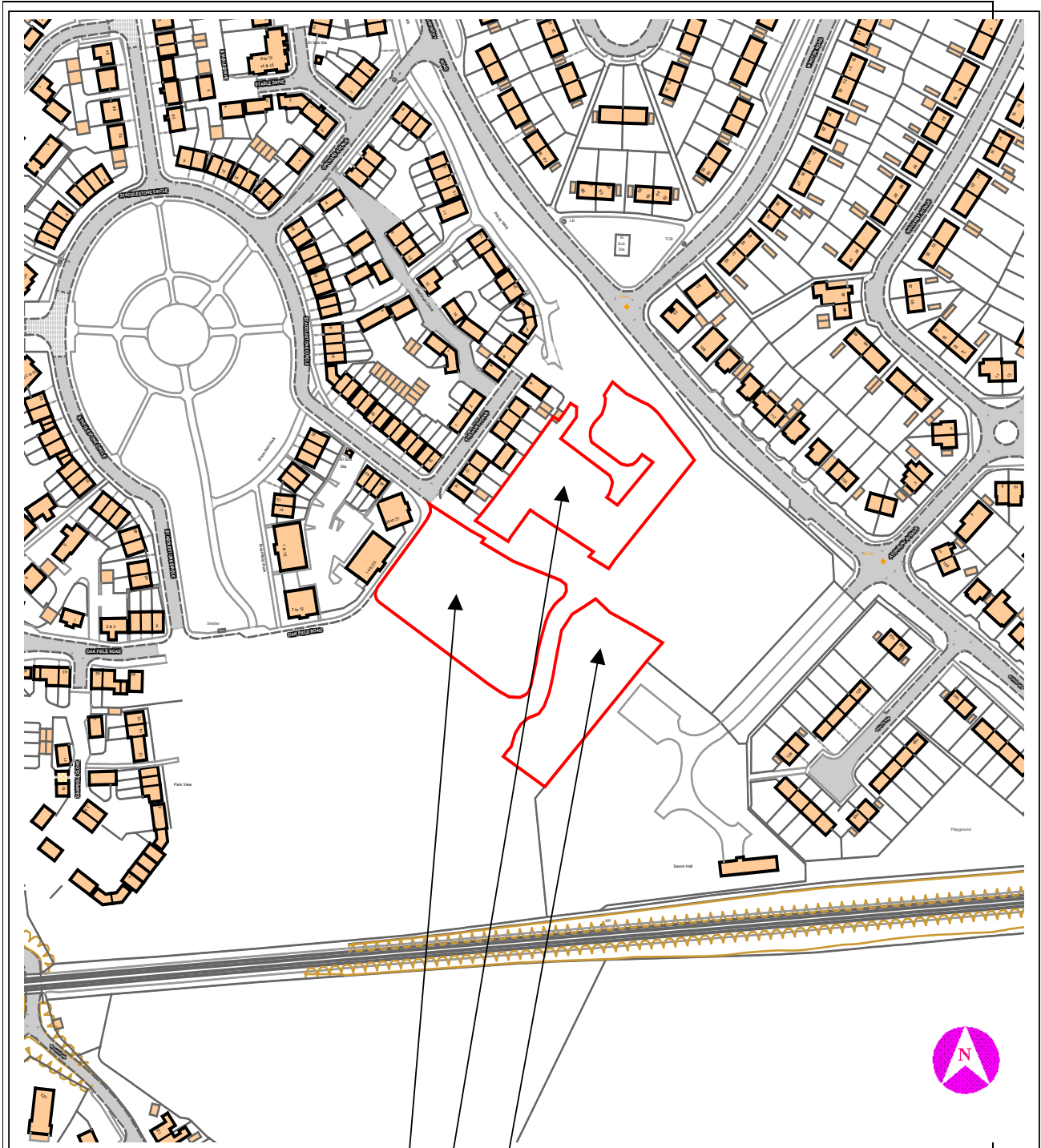
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/0950/F

SCALE : 1 : 2500

SITE ADDRESS : Land off Bullingham Lane, Hereford, Herefordshire, HR2 7RY

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Further information on the subject of this report is available from Mr. R. Pryce on 01432 261957

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

Planning Application - DCCE0009/0950/F

Amendment to previously approved permission to increase number of residential units from 39 to 51. Land off Bullingham Lane, Hereford, HR2 7RY.

1. The developer covenants with Herefordshire Council to vary the Unilateral Undertaking approved under reserved matters reference DCCE2007/3860/RM dated 3 July 2008 to pay Herefordshire Council £4250 per additional dwelling above the 608 units previously approved. The money shall be used for the enhancement of community infrastructure in accordance with the Section 106 Agreement dated 9 February 2005 and towards the provision of new or enhancement of existing off site sport and recreation facilities in the South Wye area.
2. The additional financial contributions shall be index linked and paid in full prior to the commencement of the development.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in clause 1 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.
4. 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.

Russell Pryce - Principal Planning Officer
8 July 2009

7A DCCE0009/0936/F - DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF TWO NEW HOUSES AT GRIMWORTH COTTAGE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JN

For: Mr. C. Davies, 72A Old Eign Hill, Hereford, HR1 4JN

7B DCCE0009/0937/C – DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF TWO NEW HOUSES AT GRIMWORTH COTTAGE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JN

For: Mr. C. Davies, 72A Old Eign Hill, Hereford, HR1 4JN

Date Received: 6 May 2009

Ward: Tupsley / Backbury

Grid Ref: 53777, 39066

Expiry Date: 1 July 2009

Local Members: Councillors MD Lloyd-Hayes, AP Taylor, WJ Walling / JE Pemberton

1. Site Description and Proposal

- 1.1 The application site is to the south of Hampton Park Road and is the last site within the Hereford City boundary and the Hampton Park Conservation Area. Hampton Park road has a mixture of buildings of differing architectural styles fronting on to it. To the west of the site is Braemar Gardens, a modern housing estate with large detached red brick properties. The curtilage of the Grimsworth Cottage forms the city boundary. The application site has an area of 0.14ha and is currently occupied by a large detached dwelling constructed from roughcast-rendered external brick walls under a tiled roof. The building appears to date back to the 1920s. There are mature trees and hedgerows on all of the boundaries to the site.
- 1.2 This application proposes to demolish the existing property on site and construct two detached low energy family homes. The site occupies a prominent location on the entrance into the city. It is proposed to relocate the access 10m to the east of the existing with the two properties positioned to make best use of the southern site aspect to optimise solar gain.
- 1.3 The main body of the two properties measure 11.6m x 7.7m and have an attached double garage and utility measuring 6.4m x 6.3m. There is also a conservatory to the rear measuring 2.4m x 7.7m. The accommodation is spread over three floors and consists of five bedrooms, with a large kitchen, dining and living room on the ground floor. The overall height of the buildings measures 9.7m.
- 1.4 Solar water heating is proposed for both the properties with solar panels proposed on the south facing rear roof slope. Both houses have extensive glazing on the southern elevations to optimise the solar gain.

- 1.5 The site currently has extensive vegetation on all its boundaries. The proposal seeks to retain all the mature trees bar one on the northern boundary, with all the existing hedging on the northern boundary also retained.
- 1.6 The application is accompanied by a Design and Access Statement, a Heritage Statement and an Ecological Survey.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

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 Unlisted Buildings Within Conservation Areas

3. Planning History

- 3.1 No planning history.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection to the application.
- 4.3 Conservation Manager: 'The proposed development is considered to sit comfortably within the landscape and does not have a detrimental impact on the character of the Conservation Area'. Recommended approval.
- 4.4 Conservation Manager (Ecology): 'The recommendations set out in the ecologist's report should be followed in relation to the identified species'. Recommended approval subject to conditions.
- 4.5 Public Rights of Way Manager: The proposal does not appear to affect any recorded public right of way therefore no objection to this application.

5. Representations

- 5.1 Hereford City Council: Recommend the application is refused due to an inappropriate design in the Conservation Area.
- 5.2 Hampton Bishop Parish Council: Recommend refusal of the application as the plot is too small for the size of the proposed development, the design is not in keeping and there is a policy of no new builds in Hampton Bishop due to frequent flooding.

The full text of these letters can be inspected at Central 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 defined settlement boundary of Hereford within which Policy H1 of the Herefordshire Unitary Development Plan (HUDP) recognises that there is scope for appropriate residential development providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal is acceptable in principle, subject to other material considerations being satisfactorily resolved. Having regard for the relevant policies, the primary issues in determining this application are considered to be as follows:-

- Design and Layout of the Development
- Residential Amenity
- Access and Highways Issues
- Visual Amenity and Overall Impact on the Conservation Area

Design and Layout of the Development

- 6.2 Hampton Park Road has a mixture of properties fronting on to it, with the majority being large detached properties of modern design. Having regard for the pattern and density of residential development in the wider locality, the design, scale and massing of the two proposed properties is considered to be appropriate, whilst the siting and orientation has taken appropriate account of the position and orientation of the adjoining properties. The two dwellings on the site are not considered to represent over development of the site and the proposal is considered to make effective and efficient use of the site area available.

Residential Amenity

- 6.3 Having regards for Policy H13 of the HUDP, the design of the proposed development provides for acceptable levels of residential amenity within the scheme and in respect of neighbouring properties. It is not considered that the proposed dwellings will materially alter the level of residential amenity presently enjoyed by neighbouring properties, in particular number 1 Braemar Gardens, which would give rise to any sustainable grounds for refusal.
- 6.4 More specifically the design of the west elevation on plot 1 has only the one first floor window, which is shown as being obscure therefore protecting the amenity of properties in Braemar Gardens from direct overlooking. To ensure that a satisfactory relationship continues between the existing properties and the proposed development, conditions are recommended removing permitted development rights to extend or alter the property, and/or insert any new windows at first floor level, as well as control the hours of building operations to safeguard the amenity of the residential area during the construction phase. Overall the

proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality.

Access and Highways Issues

- 6.5 The existing vehicular access from Hampton Park Road is considered poor. The proposal includes a new access 10m to the east of the existing. With the removal of just one of the trees on the boundary and the vegetation maintained to a height of 0.9metres, the visibility achieved is 2.4m x 120m. This has been discussed at length with the Traffic Manager prior to the application being submitted and is in line with the requirements of the Council's Highways Design Guide. The tree is not protected under a Tree Preservation Order or Conservation Area legislation. The work will represent an improvement in safety terms both for the prospective inhabitants of the two proposed dwellings and for all traffic using the Hampton Park Road. The Traffic Manager supports the application.

Visual Amenity and Overall Impact on the Conservation Area

- 6.6 The application site is within the Conservation Area and therefore the application falls to be considered against Policy HBA6 of the HUDP. The comments from both Hereford City Council and Hampton Bishop Parish Council in relation to the design of the proposal being inappropriate in the Conservation Area have been carefully considered. The proposal was discussed at length with both the Planning Officers and the Conservation Officers prior to the application being submitted. The Conservation Officer has raised no objection to the design of the proposal and considers the development to sit comfortably within the landscape and not to have a detrimental impact on the character of the Conservation Area.
- 6.7 Policy HBA6 states that 'the quality and type of design and materials should reflect those contributing to the area's character and appearance'. The Hampton Park Conservation Area is considered to have a wide range of properties/buildings of different architectural appearances. In recent years there have been a number of new developments along Hampton Park Road, some traditional and some contemporary. The existing building on the site has been subject to neglect and vandalism in recent years and is not considered to be of any architectural or historic merit. The proposed design is considered to be fairly contemporary however it respects the scale, massing and height of adjoining buildings and does not detract from the character or the appearance of the conservation area. The site is currently fairly well screened and with appropriate landscaping it is considered that the proposed dwellings will also be screened from public view from both the highway and other public vantage points.
- 6.8 Notwithstanding the content of the landscape strategy shown on the plans submitted it is considered essential to impose a condition requiring pre-commencement agreement of a landscape scheme to be agreed by the local planning authority. A condition is also recommended regarding the details of boundary treatments in order to maintain the visual amenities of the area.

Impact on Protected Species

- 6.9 The planning ecologist reported a record of pipistelle bats roosting in the house, the applicants have carried out an ecological survey assessing the presence of bats and birds on the site and the potential impact of the proposed development. The Council's Planning Ecologist raised no objection to the proposal but has requested conditions be attached to any decision notice.

Summary and Conclusions

- 6.10 The application site is within the Hereford City boundary and within an established residential area, where the principle of development is acceptable. However, the location is within the Hampton Park Conservation Area, in close proximity to neighbouring properties at Braemar Gardens and fronts on to the busy Hampton Park Road. Notwithstanding these constraints, officers consider the development an acceptable approach that will preserve the character and appearance of the Conservation Area and it does not represent overdevelopment of the site.
- 6.11 The application is therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION

In respect of DCCE0009/0936/F:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 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. **F17 (Obscure glazing to windows).**

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

6. **D09 (Details of rooflights).**

Reason: To ensure that the rooflights are of an appropriate form and minimise the potential disruption to the appearance and continuity of the roofs in the interests of the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies 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 Policies HBA1 and HBA3 of Herefordshire Unitary Development Plan.

8. 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.

9. G10 (Landscaping scheme).

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

10. G11 (Landscaping scheme - implementation).

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

11. H03 (Visibility splays).

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

12. H05 (Access gates).

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

13. 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.

14. H08 (Access closure).

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

15. H09 (Driveway gradient).

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

16. 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.

17. 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.

18. 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.

19. The recommendations set out in the ecologist's report dated July 2009 should be followed in relation to the identified protected species unless otherwise agreed in writing by the local planning authority.

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

20. Prior to the new dwellings being occupied, an ecological and wildlife enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless agreed in writing with the Local Planning Authority.

Reason: To comply with Herefordshire Council's Unitary Development Plan Policies NC6, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geographical Conservation and the NERC Act 2006.

Informatives:

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

In respect of DCCE0009/0937/C:

That Conservation Area Consent be granted, subject to the following conditions:

1. DO1 (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. D13 (Signing of contract before demolition).

Reason: Pursuant to the provisions of section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HBA2 of Herefordshire Unitary Development Plan.

3. D17 (Notification of Commencement).

Reason: In order to ensure compliance with Section 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HA1, HBA2 of Herefordshire Unitary Development Plan.

Informatives:

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

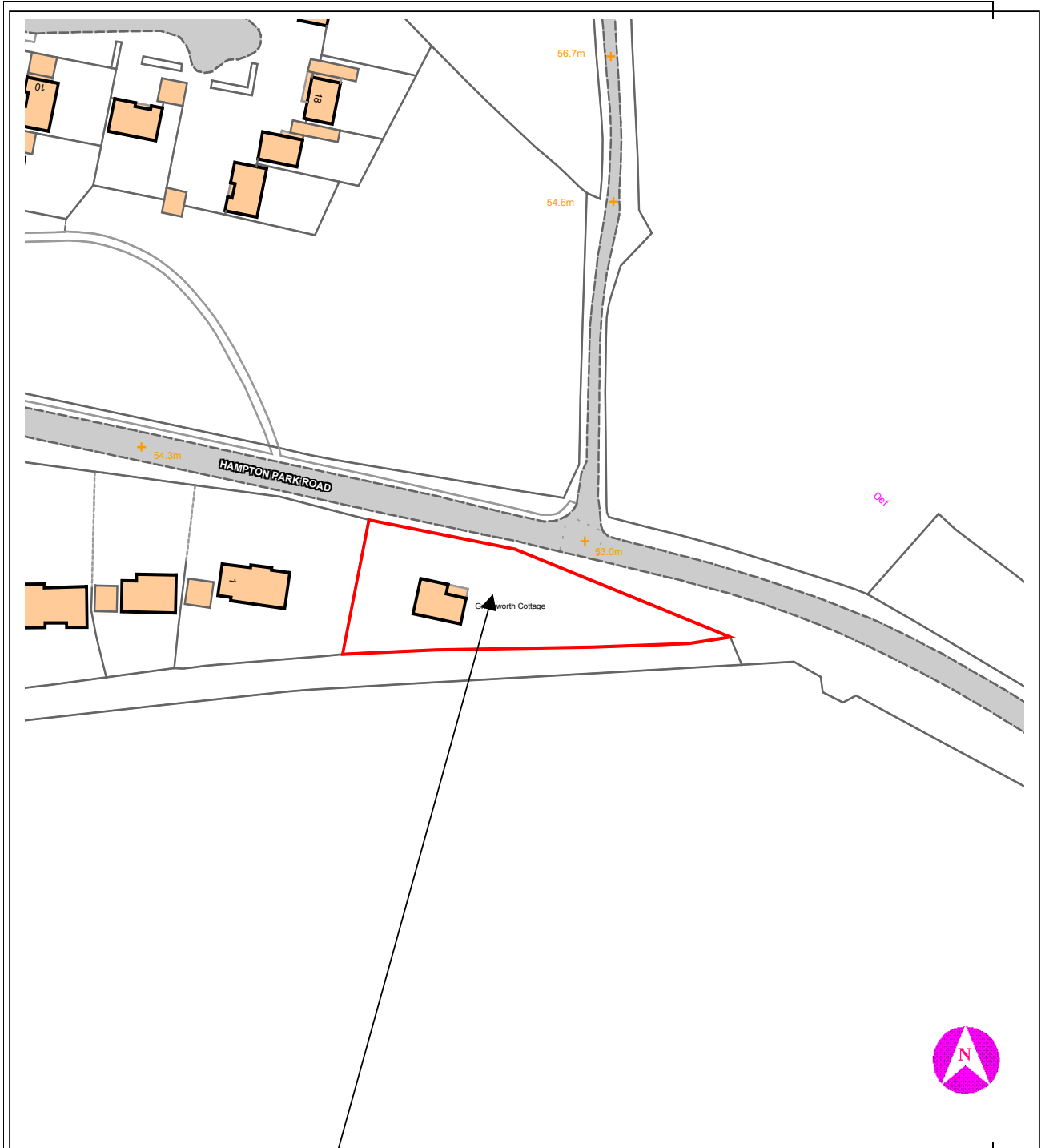
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/0936/F & DCCE0009/0937/C

SCALE : 1 : 1250

SITE ADDRESS : Grimworth Cottage, Hampton Bishop, Hereford, Herefordshire, HR14JN

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8 DCCE0009/0993/F - ERECTION OF 7 NO. DWELLINGS COMPRISING 5 NO. OPEN MARKET HOUSES, 2 NO. AFFORDABLE HOUSES AND A NEW VEHICULAR ACCESS AT PLOUGH INN, LITTLE DEWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 6PW

For: Mr. D. Howells per James Spreckley, MRICS FAAV, Brinsop House, Brinsop, Hereford, Herefordshire, HR4 7AS

Date Received: 13 May 2009

Ward: Hollington

Grid Ref: 53488, 31849

Expiry Date: 8 July 2009

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The application site is in the south-east corner of the village of Little Dewchurch behind the Plough Inn. The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for housing. The allocated land extends to the land immediately north west of the application site which is an orchard. This land did form part of the previous two applications on the site. However the land is not in the applicant's ownership and therefore does not form part of this application. To the north and east of the application site is farmland, whilst to the south is the Plough Inn and the unclassified highway C1261.
- 1.2 The application site itself covers an area of 0.45 hectares, presently in use as agricultural grassland. On all but the southern boundary there are native mature vegetation in the form of hedgerows including a number of mature trees.
- 1.3 The proposal is for seven dwellings and associated car parking, access roads and landscaping. Five of the proposed dwellings are four-bedroom detached houses, whilst the other two are proposed as 'affordable housing' in-line with relevant Unitary Development Plan policy on affordable housing. They consist of a semi detached unit each providing three-bedroom accommodation. A new access to serve the dwelling is proposed from the unclassified highway C1262 over land which is currently used as the pub garden.

2. Policies

2.1 National Planning Policy Statement 3: Housing

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations

H4	-	Main Villages: Settlement Boundaries
H5	-	Main villages: Housing Land Allocations
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
RST3	-	Standards for Outdoor Playing and Public Open Space
RST5	-	New Open Space In/Adjacent to Settlements
CF2	-	Foul Drainage

3. Planning History

- 3.1 DCCE2006/2593/O Residential development comprising of 8 open market houses, 4 affordable houses, amenity / play area and new access to adoption standards. The application was withdrawn.
- 3.2 DCCE2005/2538/O Residential development comprising 9 open market houses 4 affordable houses, amenity/play area and new access. The application was withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No comments made.

Internal Council Advice

- 4.2 Traffic Manager: 'In the absence of any speed survey, visibility splays of 2.4m x 90m would be required for 30mph limit. Footways would be needed to be provided on C1262 back to the junction on the north east side of the road and on both sides of the access road at tangent points. The proposed S106 contribution and uses is acceptable.'
- 4.3 Conservation Manager (Landscape): 'Herefordshire UDP 2007 states that for this development site 'the new development will need to take into account surrounding residents amenity and be sensitively designed to reflect the setting and architectural qualities of the Plough Inn'. I consider that the submitted layout and landscape design has failed to achieve this. The developer needs to give greater consideration to the landscape design to integrate this visually sensitive development with the surrounding landscape, and creating a building layout which appears more dispersed from viewpoints to the south and south-west. This could be achieved by creating a planting buffer or hedgerows between the plots, and between the development and The Plough Inn. A landscape strategy is needed to maintain the setting of The Plough Inn as an isolated wayside property, and integrate the surrounding rural landscape hedgerows and trees with the development, and looking ahead, to the potential development of the remnant orchard site. I therefore regret that I cannot support this application because it is contrary to the relevant Council's UDP policies.'

Following these comments an amended landscape scheme has been submitted. At the time of writing the report the Landscape Officer had not made any comments. This will be updated at the meeting.

- 4.4 Conservation Manager (Ecology): No response has been received at the time of writing the report.
- 4.5 Public Rights of Way Manager: 'The proposed erection of 7 dwellings would not appear to affect the use and enjoyment of public footpath LD14, which passes to the south-west of the application site, therefore no objections are raised.'
- 4.6 Children and Young Peoples Directorate: Requests a contribution to be made that would go towards the inclusion of all additional children generated by the development.
- 4.7 Parks and Countryside Manager: Requests a contribution towards improving quality/accessibility of the more natural and semi natural green space and recreational rights of way rather than the more formal public open space. A contribution has also been requested for improving local sports facilities in and around Hereford which would serve the catchment area.
- 4.8 Housing Development Officer: 'Strategic Housing in principle supports the application for 2 x 3 bedroom houses. All units are to be built to the Joseph Rowntree Foundation Lifetime Homes and the Housing Corporation's Design & Quality Standards 2007 and code 3 of sustainable homes without grant input. All units are to be allocated via Homepoint, Herefordshire Council's choice based lettings agency, to people with a local connection to Little Dewchurch in the first instance and then cascading out to adjoining parishes if an applicant from Little Dewchurch cannot be found. Strategic Housing has not had any contact with the developer with regards to the tenure of the properties but it would be proposed in the first instance that they would be for rented.'

5. Representations

- 5.1 Little Dewchurch Parish Council: Are in favour of the application, however have raised the following reservations:-
1. Access to the site - poor access route.
 2. Lack of detail regarding sustainable energy use and materials in the design to support a carbon neutral / 'green' environment.
 3. Concern regarding the loss of green space in the village.
 4. Design of units lacking information regarding the finish of the buildings whether stone or render or mixture of the two materials.
- 5.2 Five letters of objection/representation have been received, the points raised are as follows:-
- Siting of the proposed sewage plant in the residential area.
 - No demand for new houses.
 - No facilities for young families.
 - Loss of 'green' view into village.
 - Building outside of village envelope.
 - Dangerous access.
 - Impact on landscape.

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

6. Officer's Appraisal

6.1 The main issues to consider are:

- The Principle of Development
- Density and Layout
- Residential Amenity

The Principle of Development

6.2 Little Dewchurch is classed as a main village in the Herefordshire Unitary Development Plan 2007 and as such, is deemed to have capacity to accommodate additional residential development. The application site, along with the adjoining orchard, is also allocated for development within the Unitary Development Plan under Policy H5 with an estimated capacity of 12 units. The principle of the site being developed for residential purposes is therefore established and acceptable.

Density and Layout

6.3 Policy H15 of the Unitary Development Plan requires sites outside of Hereford and the Market Towns to deliver residential development at a density of at least 30 dwellings per hectare. This coincides with advice within Planning Policy Statement 3 which also requires residential developments particularly on allocated sites to make the most efficient use of the land. The construction of 7 dwellings on the application site equates to a density of 15.625 units to the hectare. This amount is low when compared to national and local guidelines, however under Policy H5 the estimated dwelling capacity on the site was 12. This estimation was on the whole of the allocated site and took into consideration the rural character of the site and the surrounding built environment. Therefore the proposal for 7 dwellings is considered acceptable. The density is comparable to neighbouring historic and more recent residential developments within the village and therefore would not appear out of character with the area.

6.4 The layout of the development has largely been dictated by the access restrictions with only one point of access being available. It has also been dictated to a certain degree by the change in level across the site and the surrounding landscape context. To ensure the development creates an acceptable street scene from the C1261 highway all the properties are located above the building line of the Plough Inn, leaving the access into the site open. This reflects development to the north of the site where the street scene is also very open close to the village green. There will however be a number of trees planted behind the access point, which will shield the new properties from the highway.

6.5 The siting of the dwellings is staggered to reduce the visual impact on the landscape and also to reflect the angled shape of the site and the change in level across the site. Each property has adequate off street parking in the form of driveways with private gardens. The layout and siting of the dwellings have all been designed to safeguard the amenity of neighbouring properties.

6.6 The proposal offers five four bedroom detached properties, with the two affordable houses provided within a semi-detached building consisting of three-bedroom accommodation. Policy S3 in the Herefordshire Unitary Development Plan emphasises the need to provide a

range of dwelling types and sizes and taking advantage of opportunities to create and maintain sustainable and integrated communities. It is acknowledged that the application does not provided a range of dwelling types with all the open market housing being four bedroomed properties. However they do vary in size and design and overall given the density of the site and the allocated residential curtilage for each plot this is considered acceptable.

- 6.7 The detailed design of each of the proposed dwellings has taken its lead from the Plough Inn. All the properties proposed will be constructed from stone and coloured washed render under a tiled roof. In accordance with Policy H13 of the Herefordshire Unitary Development Plan the design of the proposed dwellings is considered to respect the landscape context of the site and the character and appearance of the locality. The proposed dwellings are considered to complement each other, blending in satisfactorily with the surrounding built environment and rural setting.
- 6.8 Having regard to the size and shape of the site and the changes in level, the density, layout and design are considered acceptable and will not appear out of character with the mixed residential environment in the vicinity.

Residential Amenity

- 6.9 The only residential property to share a boundary with the application site is Colwyn, which adjoins the highway. The layout of the proposed development ensures that none of the properties overlook the property or its garden. There are a number of other residential properties to the west of the site, however the separation distances between the existing residential properties boundaries and that of the proposed dwellings is such a distance that it is not considered that the proposal will result in an unacceptable level of overlooking or to have an overbearing impact.

Access and Highways Issues

- 6.10 The proposed new access to serve the proposed seven dwellings is located between the Plough Inn and the residential property Colwyn. The land currently forms part of the pub's garden. The speed limit at the point of access is 30mph. The Council's Traffic Manager has responded to the application requesting further details. Amended plans have been received showing a visibility splay of 2.4m x 90m however at the time of writing the report comments had not been received from the Traffic Manager with regards to the updated plans and an update will be given at the meeting.

Landscaping

- 6.11 A number of concerns have been raised over the impact of the development on the surrounding landscape and the views into the settlement. The application has been supported by a landscape scheme, which during the course of the application has been amended following request from the Council's Landscape Officer. At the time of writing the report the Conservation Manager had not commented on the amended scheme. The amended scheme looks ahead to potential development of the orchard and has introduced planting buffers between the plots with significant planting between the two affordable units and the Plough Inn. Conditions will be attached to any approval notice to ensure the scheme integrates with the surrounding rural landscape.

Planning Obligations

- 6.12 The application triggers a requirement for affordable housing provision, highway and sustainable transport infrastructure contribution, open space provision, local sports contribution, and local education improvements towards the local primary and youth element. The applicants have agreed to these in principle; recommended details can be found on the attached Draft Heads of Terms.

Conclusion

- 6.13 The proposal as a whole is considered acceptable in accordance with the relevant policies contained within the Herefordshire Unitary Development Plan and is therefore recommended for approval subject to satisfactory details being submitted in relation to the landscaping details and vehicle access.

RECOMMENDATION

1. **The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 covering the matters detailed in the Heads of Terms appended to this report and any additional matters that he considers necessary and appropriate.**
2. **Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

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.
4. **F14 (Removal of permitted development rights).**
Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy 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. G10 (Landscaping scheme).

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

7. G11 (Landscaping scheme – implementation).

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

8. H03 (Visibility splays).

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

9. H05 (Access gates).

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

10. 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.

11. H09 (Driveway gradient).

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

12. 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.

13. H21 (Wheel washing).

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

14. 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.

15. 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.

16. I16 (Restriction of hours during construction).

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

17. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

18. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

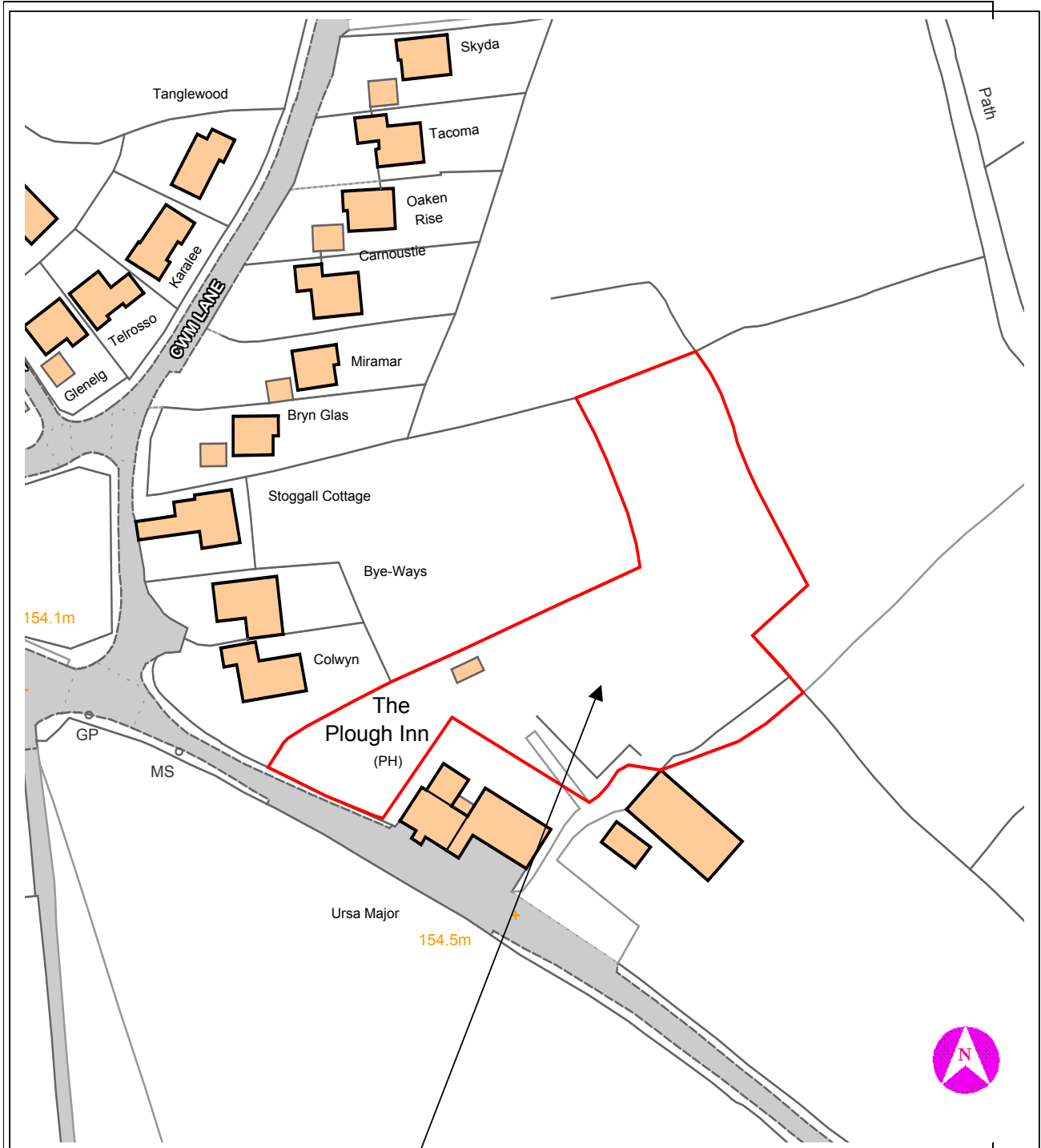
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE0009/0993/F

SCALE : 1 : 1250

SITE ADDRESS : Plough Inn, Little Dewchurch, Hereford, Herefordshire, HR2 6PW

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Further information on the subject of this report is available from Miss R. Jenman on 01432 261961

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

Planning application - DCCE0009/0993/F

Erection of 7 no. dwellings comprising 5 no. open market houses, 2 no. affordable houses and a new vehicular access on land to the rear of the Plough Inn, Little Dewchurch, Hereford, Herefordshire, HR2 6PW.

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities on site to serve the development to pay Herefordshire Council the sum of £3,360 (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new play, sport and recreational facilities in the locality. The contribution includes 15 years maintenance costs.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £24,763 to provide enhanced educational infrastructure/facilities for the South Hereford City Early Years, Little Dewchurch CE Primary School, Hereford Academy and South Wye Youth all of which are educational facilities within the catchment area of the application site. The sum shall be paid on or before the commencement of the development.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,584 to provide enhanced formal or informal recreational or public open space within the Little Dewchurch Parish. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £19,660 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements).
5. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signage
 - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Localised junction improvements
 - d) North Hereford Park and Ride
 - e) Contribution to improved bus service
 - f) Contribution to Safe Routes for Schools
 - g) Improved pedestrian and cyclist connectivity with the site
 - h) Improved pedestrian and cyclist crossing facilities
 - i) Initiatives to promote sustainable transport
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1601 towards the enhancement of existing library services in Hereford City.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
8. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 4 and 6 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
9. The developer shall provide 2 affordable housing units, which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. Both of the affordable units shall be made available for rent to people with a local connection to Little Dewchurch in the first instance and then cascading out to adjoining parishes. 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 on the development.
10. All of the financial contributions shall be Index linked and paid on or before commencement of the development.
11. 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.

Rebecca Jenman
6 July 2009

9 DCCW2008/2946/F - RESIDENTIAL DEVELOPMENT OF 20 HOUSES COMPRISING 13 OPEN MARKET HOUSES AND 7 AFFORDABLE HOUSES (AMENDED ACCESS) AT CHURCH HOUSE FARM, WELLINGTON, HEREFORD, HEREFORDSHIRE, HR4 8AZ

For: Executors of the late D.T. Williams Esq per Mr. J. Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received: 3 December 2008

Ward: Wormsley Ridge

Grid Ref: 49823, 48115

Expiry Date: 4 March 2009

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 Church House Farm is located on both sides of the C1108 road that runs east from the A49 Hereford to Leominster road through the village of Wellington.
- 1.2 This proposal seeks to redevelop land and buildings on the southern side of the road with the complete clearance of the site and construction of twenty dwellings. The site is positioned at the entrance to the village immediately east of Wellington Primary School. The site is located within the Conservation Area and opposite listed buildings.
- 1.3 The proposal provides for a new access located towards the east of the frontage opposite Causeway House and Mandolin, both recently constructed dwellings.
- 1.4 The layout provides for dwellings fronting the village road. The house types provide for 2 x 3 bed and 11 x 4 bed open market housing with 3 x 2 bed and 4 x 3 bed social housing.
- 1.5 In addition to the new housing eight additional car parking spaces are provided for the school adjacent to its existing car park and access road to the village sports facilities. Foul drainage is proposed by means of private treatment works due to no capacity in the local sewage system. All properties have a minimum of two car parking spaces.
- 1.6 Finally, the site is allocated for residential development in the Herefordshire Unitary Development Plan.

2. Policies

2.1 National:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas
PPG15	-	Planning and the Historic Environment
PPG25	-	Planning and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
H4	-	Main Villages: Settlement Boundaries
H9	-	Affordable Housing
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
T11	-	Parking Provision
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
CF5	-	New Community Facilities
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes

2.3 SPD - Planning Obligations

3. Planning History

- 3.1 DCCW2008/1246/F Residential development of 20 houses comprising 13 open market houses and 7 affordable houses. Withdrawn 30/06/2008.

Adjoining Land:

- 3.2 CW2002/0209/F Change of use of agricultural land to provide playing field extension. Approved 21/03/2002.
- 3.3 DCCW2003/3019/F Change of use of agricultural land to provide a playing field extension. Approved 01/12/2003.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water: Object due to overloading of the public sewerage system. (Since this objection the agent has amended the application to provide for a private treatment works). A trunk water main runs along the northern roadside boundary.
- 4.2 English Heritage: The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 4.3 River Lugg Internal Drainage Board: Regarding the disposal of surface waters - it is noted that these are to be disposed of via soakaways and in this instance will not directly affect the Board's operational interests and we therefore offer no land drainage objection to the proposals.

I would therefore advise consultation with the following at the appropriate time regarding the results of the Site Percolation Test, should the planning application be approved with conditions.

- 1) The Environment Agency Regulations Officer
- 2) The Building Control Officer in PCC's Building Regulations Department.

4.4 Environment Agency: Observations awaited.

Internal Council Advice

- 4.5 Traffic Manager: I confirm that the revised proposals address my concerns. I would suggest that the footway along the road frontage be widened to 2 metres from the access road to the school, and this land be dedicated as highway as part of the Section 38 works.
- 4.6 Conservation Manager (Historic Buildings): The site is presently occupied by several modern steel framed farm buildings. It occupies a prominent location on the eastern approach to Wellington and sits within the conservation area. There are several listed buildings nearby including the Grade I Church of St. Margaret, Grade II* Bridge Farmhouse, Grade II Church Farmhouse and barns and Grade II Cave House.

Wellington is a predominantly linear village with some lanes leading off the main street at right angles. The village has suffered in recent years from inappropriate suburban style development which has introduced alien elements such as cul de sacs to the streetscape. The orientation of buildings to the street varies, with some facing the street and others with gables towards it.

In principle the replacement of the existing buildings on the site with residential development is acceptable provided that the development is designed to take into account the position of the site on the principal approach to the village, within the conservation area and adjacent to several listed buildings.

On balance the approach of orientating the corner buildings to the main road rather than turning the corner is an appropriate form of development echoing earlier elements elsewhere in the village.

The frontage to the main road is acceptable; the orientation of the houses towards the road and the strong boundary treatments will provide a sense of enclosure appropriate to this point in the village. The internal layout will provide a reasonable sense of enclosure.

The design of the houses is broadly acceptable. However I would suggest that the small windows to the left of the porches on house type D be removed as they give a somewhat cluttered appearance to the elevation. I would suggest a mock Flemish Bond to the brickwork in order to enable the development to sit successfully with the surrounding buildings. Details of design and finish of external joinery and samples of all external materials including rainwater goods will be required. Meter boxes should be internal where possible and elsewhere should be flush with external walls and painted to match.

No objection subject to amendments outlined above but request details of boundary treatment for plot 10, details of boundary wall, usual conditions on materials and finishes.

- 4.7 Conservation Manager (Landscape): In principle, this addresses some of my earlier concerns and gives a reasonable indication of basic structure planting. Opportunities for further

landscape details could possibly be sought at a later date. Specific details of landscaping (turfing, seeding, paving and fencing materials etc) and implementation of landscaping proposals would still need to be the subject of a condition of planning permission.

- 4.8 Conservation Manager (Archaeology): The archaeological sensitivity of the proposed development site is great. Church House Farm is located within the medieval layout of Wellington, close to the church, in a position where below ground archaeological deposits may be present. Given the nature and scale of the extensive ground disturbance under the proposal, the development impact will probably be severe. There are likely to be significant archaeological issues in this case.

However, it is also my view that it should be possible to acceptably mitigate any damaging effects of the development by means of an archaeological investigation prior to / during development works on site. Accordingly I have no objection to the above proposal, subject to the attachment of a suitable archaeological condition to any permission granted.

- 4.9 Strategic Housing: Strategic Housing fully supports the application to provide 20 houses of which 7 are to be affordable dwellings equating to 35% of the overall development. These dwellings are to build to Housing Corporation Design & Quality Standards, Joseph Rowntree Lifetime Homes and are to achieve a minimum of code level 3 for sustainable homes.
- 4.10 CYPD (Open Space/Recreation and Community Services): All identify an impact and therefore request contributions in accordance with the Supplementary Planning Document Planning Obligations.

5. Representations

- 5.1 Wellington Parish Council: The Parish Council support the amended access and wish to add the following points from the UDP
1. (page 65 5.4.52, Church Farm, Wellington) The housing scheme will be expected to contribute to the provision of recreation facilities including the provision of a children's play area properly equipped and fenced on adjoining land which is allocated within policy RST5. Future housing schemes which are developed within the village will also need to give consideration to contributing to this facility.
 2. (page 83 – Policy H19) Schemes of 10 – 30 family dwellings: to be provided with small children's / infants' play area, properly equipped and fenced.
 3. (page 190 the re access to playing fields) Development proposals that would result in the loss of public or private open spaces with recreational value, or facilities that help meet the recreational needs of the community.
 4. (pages 193 – 4) sites have been identified on the proposals map at the location listed below to provide new public recreational, amenity and open space uses and facilities - Wellington (is listed).
- 5.2 Wellington Community Association: We continue to be concerned about the issue of right of way access at the eastern side of the car park and on to the driveway going to the playing fields. On this current application the access is still very limited and the access is too narrow for coaches. We again state that the Wellington Community Association maintains the need for this right of way to be widened to allow access to a proposed new parking area. This would enable the coaches of visiting teams to park nearer to the sports facilities. At present

football supporters are obliged to park in the present car park, thus creating difficulties for the users of the Community Room for which this car park is also intended.

While we have some verbal assurances from members of the Williams family that this access will not be a problem and will be widened we insist that unless this access is drawn on to the plans, there will be no legal need for the developers to adhere to this verbal statement.

The Wellington Playing Fields and Sports Clubs are a vital part of our rural community and we therefore want to ensure that every attempt to improve their standing is made. We are obliged to improve parking facilities within the playing fields area; therefore access needs to be suitable for the entry of all types of vehicles. To that end, we would like to refer you to the Planning for Real Concept presented by James Spreckley in 2003, where the Church Farm developer put forward plans that clearly state "The development of this site affords the opportunity to improve vehicular parking and access to the Community Playing Fields, including the Football Club, the Cricket Club, the Bowls Club and other facilities."

We still feel that the current plans do not adhere to this plan adequately as we have also stated to you in our letter of December 19 2008. We are disappointed that comments previously made regarding this access have not been taken on board in this present amended plan.

5.3 Governors of Wellington Primary School: The Governing Body of Wellington Primary School met to discuss the above application and would like to submit the following comments.

1. It is heartening to see that the resubmitted plans have taken into account our comments made in respect of the original planning application.
2. The Governing Body would like to advise you most strongly that the views expressed by Mr. P. McKay regarding this application are his individual views and are in no way a reflection of the views of the Governing Body, or any other Parish organisation (as far as we are aware).
3. The Governing Body would like to support this application, especially the affordable housing element, as any new building within the Parish can only have a beneficial effect on the school roll.

The Governing Body would wish to see the retention of the boundary hedges.

5.4 Eleven letters of objection have been received from:

Mr. P. McKay (7 letters), 30 Vicarage Street, Leominster, Herefordshire.
Mrs. C. Fletcher, 4 Derside Close, Wellington.
Mr. B. Cobbett, Meadow View Cottage, Bridge Lane, Wellington.
Mr. J. Roberts (e-mail).
Mr. D. Williams, Causeway House, Wellington.

The main points raised taken from submission on the amended scheme are:-

1. The density is too great.
2. The proposal fails to comply with UDP Policy RST5 which clearly states that "development proposals that would prevent or prejudice the future use of areas proposed or currently used for recreational, amenity and open space purposes will not be permitted."

3. The plans do not allow for improved access to proposed car park for the recreation area.
4. The development does not bring forward the additional recreation area as identified by RST5.
5. Pleased that entrance has been moved away from the school but no improvements are shown to the school entrance and Community Association car park.
6. Additional car parking for school will be dangerous.

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

6. Officer's Appraisal

- 6.1 This proposal seeks to bring forward an identified residential development site allocated within the Herefordshire Unitary Development Plan on the eastern side of the village of Wellington.
- 6.2 The main issues in the consideration of the planning application are:
 1. Principle of Development
 2. Landscape Impact and Setting of Listed Buildings and Conservation Area
 3. Highway Safety
 4. Recreation Land
 5. Planning Obligations
 6. Conclusion

Principle of Development

- 6.3 The site is allocated within the Herefordshire Unitary Development Plan under Policy H4 for the development of approximately 20 dwellings. Therefore the proposal complies with the main thrust of that policy and is compliant in terms of density. The design and layout have been heavily influenced during negotiations. Dwellings front onto the main road to continue this distinctive character along the village road. The house designs have been drawn from the character assessment of the village and provide for gabled porches and dormers together with chimneys.

Landscape Impact and Setting of Listed Buildings and Conservation Area

- 6.4 Policy H4 requires that due to the location of the site as a gateway to the village a comprehensive landscaping scheme is required which will also protect the long distance views to the village from the A49 trunk road. In this respect a number of the dwellings have been moved to provide views in and through the site to the church behind. In addition, the south eastern boundary, which now has a mature hedge helps form a soft landscaped edge to the development which will be further enhanced with additional tree planting. Members will note that the Conservation Manager is now satisfied that the scheme addresses previous concerns and provides the basic structure planting.
- 6.5 The site's position opposite listed buildings and within the Conservation Area has been fully assessed by the Conservation Manager and again Members will note that the amended scheme is considered acceptable subject to a minor modification to house type D. It should

also be noted that the proposal will remove several steel framed farm buildings which will therefore enhance this part of the Conservation Area.

- 6.6 The proposal in landscape, Conservation Area and listed building terms is considered to be acceptable.

Highway Safety

- 6.7 The access to the development has been moved to the eastern end of the site which affords good visibility in both directions. A substantial grass verge will be created to the west to provide for the visibility and a footpath will be created on the line of this visibility splay. All dwellings have their own private parking areas with the dwellings fronting the main village road having parking to the rear. The concerns of local residents and Community Association are noted regarding improvements to the access and have been taken up with the agent, however it should be noted that the proposal does not prevent access to the car parking areas and therefore does not conflict with Policy RST5. Finally, additional parking for the school is a requirement of the UDP and has been included which is also supported by the school and not considered a danger.

Recreation Land

- 6.8 The allocation of this site for housing also identifies that it will be expected to contribute to the provision of recreation facilities including the RST5 land. It is also a requirement that other developments will contribute to the new recreation land. Accordingly this proposal is not inhibiting the RST5 land but will assist in bring forward this land with contributions in line with the SPD Planning Obligations. In addition a condition will be attached requiring the provision of RST5 land prior to occupation of ten number of units. This is possible as the land is within the ownership of the applicants.
- 6.9 Policy H19 requires that development of 10-30 family dwellings will provide a small children's and infants play area properly equipped and fenced. However the Council's Parks Service do not support these small play areas as they offer little in play value and are costly to maintain. In this particular case there is adjoining recreation land and an identified play area under RST5. Accordingly an enhanced off-site contribution has been negotiated and reflected in the Heads of Terms.

Planning Obligations

- 6.10 In accordance with the Council's Supplementary Planning Document the impact of the development has been assessed and contributions have been agreed for Recreation, Highways, Community Services and Children's Services. The Draft Heads of Terms are appended to this report.

Conclusion

- 6.11 This is an allocated site within the Herefordshire Unitary Development Plan and provides for 13 open market dwellings together with 7 affordable dwellings helping to meet the identified need for Wellington.
- 6.12 The layout, design and form of the dwellings complements the character of the area and enhances the setting of the Conservation Area together with adjacent listed buildings. The development will bring forward the RST5 recreation area and the agent has been requested to provide improvements to the access road to the community recreation parking area. Finally, additional parking for the school is provided. It is therefore considered that the

proposal meets the aspirations and requirements of the Herefordshire Unitary Development Plan.

RECOMMENDATION

1. Subject to the receipt of suitably amended plans relating to the enhanced access of the community recreation parking area.
2. The Legal Practice Manager be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.
3. Upon completion of the aforementioned Planning Obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by Officers.

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.

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 Policies HBA1 and HBA3 of Herefordshire Unitary Development Plan.

5. D10 (Specification of guttering and downpipes).

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

6. E01 (Site investigation – archaeology).

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

7. F02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

8. G02 (Retention of trees and hedgerows).

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

9. 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.

10. 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.

11. 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.

12. Prior to occupation of the 6th open market dwelling the recreation area to the south as identified in Policy RST5 of the Herefordshire Unitary Development Plan shall be brought forward for development.

Reason: In accordance with Policy RST5 of the Herefordshire Unitary Development Plan.

13. H05 (Access gates).

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

14. 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.

15. H09 (Driveway gradient).

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

16. 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.

17. H17 (Junction improvement/off site works).

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

18. 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.

19. Notwithstanding the submitted drawings the footpath to the front of the site shall be completed to a minimum width of 2 metres.

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

20. 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.

21. I17 (Scheme of foul drainage disposal).

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

22. I21 (Scheme of surface water regulation).

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

23. I42 (Scheme of refuse storage (residential)).

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

24. I51 (Details of slab levels).

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

1. HN01 - Mud on highway.
2. HN05 - Works within the highway.
3. HN07 - Section 278 Agreement.
4. HN21 - Extraordinary maintenance.

- 5. N19 - Avoidance of doubt - Approved Plans.
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

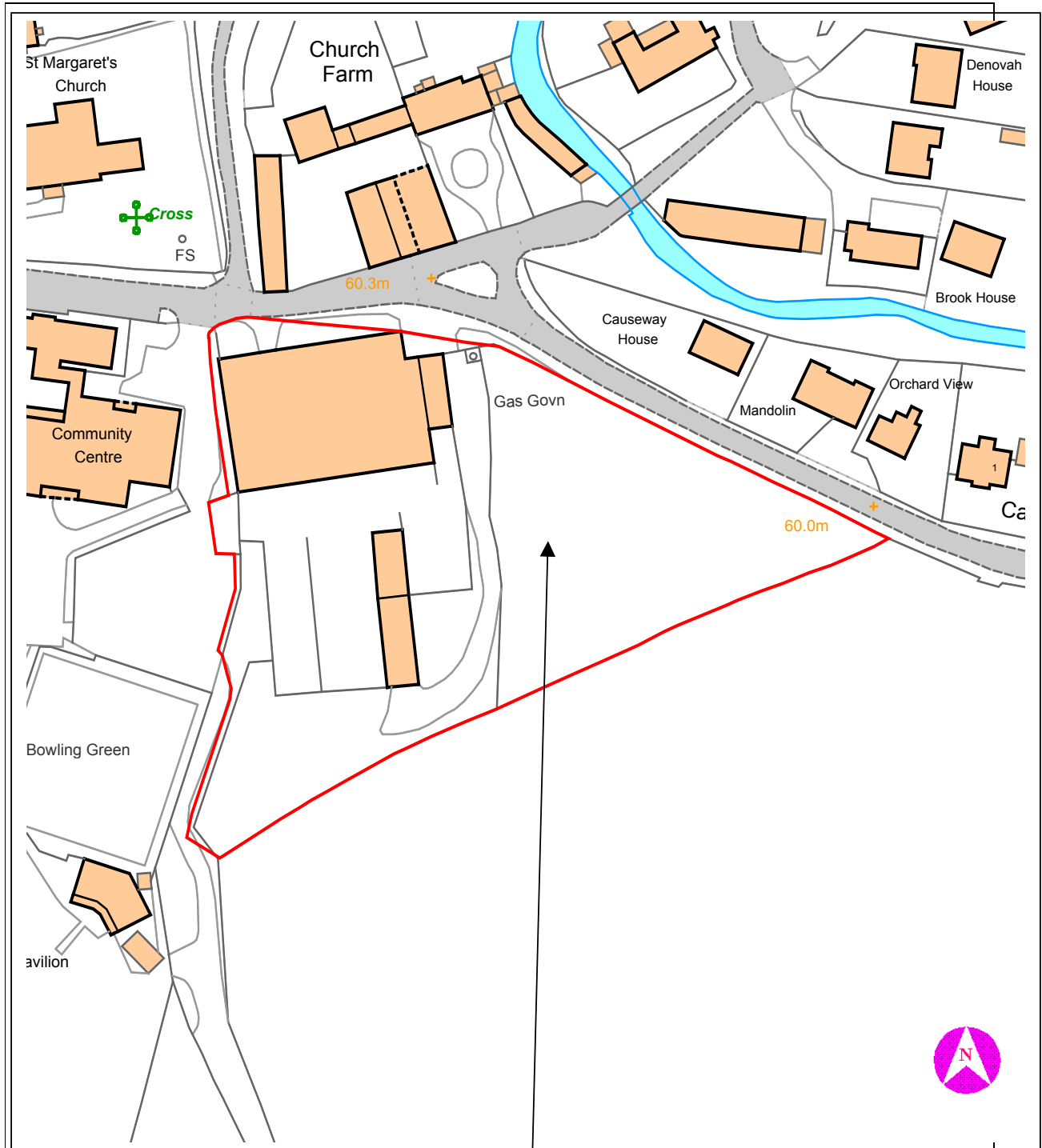
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2946/F

SCALE : 1 : 1250

SITE ADDRESS : Church House Farm, Wellington, Hereford, Herefordshire, HR4 8AZ

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This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

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

Planning Application: DCCW2008/2946/F

Proposal: Residential development of 20 houses comprising 13 open market houses and 7 affordable houses.

Site: Land at Church House Farm, Wellington, Hereford, HR4 8AZ

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £22,366 to provide enhanced educational infrastructure. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £43,000 to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- Traffic calming and improved signage
- Localised highway improvements
- Hereford Park and Ride
- Contribution to improved bus service
- Contribution to Safe Routes for Schools
- Improved bus shelters/stops in the locality of the application site
- Initiatives to promote sustainable transport

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £45,755 to provide enhanced formal or informal recreational or public open space. The sum shall be paid on or before the commencement of development. The monies may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3133 towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
5. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, 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.

6. The sums referred to in paragraphs 1, 2, 3 and 4 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.
7. The developer shall provide 7 affordable housing units, which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The affordable units shall be made available for rent to people with a local connection to Wellington in the first instance and then cascading out to adjoining parishes. 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 on the development.
8. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
10. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

Kevin Bishop
10 July 2009