

AGENDA

Planning Committee

Date: **Wednesday 29 January 2014**

Time: **10.00 am**

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 Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AN Bridges

Councillor EMK Chave

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor RI Matthews

Councillor FM Norman

Councillor J Norris

Councillor GR Swinford

Councillor PJ Watts

Councillor DB Wilcox

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 8 January 2014.</p>	5 - 18
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	19 - 20
7.	<p>132230/O LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ</p> <p>Site for erection of nine houses and associated development.</p>	21 - 38
8.	<p>132701/F AMBERLEY HEIGHTS, SUTTON-ST-NICHOLAS, HEREFORD, HR1 3BS</p> <p>Proposed erection of low cost market bungalow for registered disabled person.</p>	39 - 46
9.	<p>132588/F 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY</p> <p>Change of use from C3 dwelling to D1 dental surgery.</p>	47 - 54
10.	<p>132830/F THE CO-OPERATIVE FOOD STORE, GRANDSTAND ROAD, HEREFORD, HR4 9LT</p> <p>Sub-division of existing retail unit to form smaller retail unit and taxi office at Unit.</p>	55 - 60
11.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 18 February 2014</p> <p>Date of next meeting – 19 February 2014</p>	

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 8 January 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: AM Atkinson, AN Bridges, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, Brig P Jones CBE, JG Lester, RI Matthews, FM Norman, AJW Powers and GR Swinford

In attendance: Councillors EPJ Harvey, PM Morgan, J Norris and PD Price

110. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, DW Greenow and PJ Watts.

111. NAMED SUBSTITUTES

There were no substitute members present at the meeting.

112. DECLARATIONS OF INTEREST

Councillor AN Bridges declared a Disclosable Pecuniary Interest for agenda item7: 123317/0 Land at Southern Avenue, Leominster and left the meeting for the duration of that item.

Councillor FM Norman declared a Non-Pecuniary Interest for agenda item7: 123317/0 Land at Southern Avenue, Leominster on the grounds that her husband had registered an objection to the application.

113. MINUTES

RESOLVED: That the Minutes of the meeting held on 11 December, 2013 be approved as a correct record and signed by the Chairman.

114. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

115. APPEALS

The Planning Committee noted the report.

116. 123317/O LAND AT SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE, HR6 0QF

(Councillor AN Bridges declared a Disclosable Pecuniary Interest for agenda item7: 123317/0 Land at Southern Avenue, Leominster and left the meeting for the duration of the item.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr P Ellis, spoke on behalf of Leominster Town Council expressing opposition to the Scheme. Mr D Mifflin spoke on behalf of the Friends of Leominster Action Group in objection to the application. Mr A Brodie, the applicant's agent spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors RC Hunt and PJ McCaull, the local ward members, spoke on the application.

Councillor PJ McCaull commented on a number of issues including:

- There was already retail development on the Southern Avenue site.
- There was good pedestrian access from the site to the Town Centre and public transport.
- There was good vehicular access to the site from the A49.
- The impact on small traders in the town centre was being overstated.
- A new Supermarket would offer improved choice and value for money. There was public support.
- A supermarket would create employment opportunities.

Councillor RC Hunt commented on a number of issues including:

- The existing supermarkets were very busy and increasing the amount of competition between businesses, including for petrol, was important.
- Access to the site was very good.
- There were only two available sites and the alternative site before the Committee for consideration was impractical.

The Chairman emphasised that the two applications for supermarkets in Leominster on the agenda would be considered in turn as separate applications on their own merits.

The debate opened and the following principal points were made:

- A question was asked about the location of housing development in Leominster proposed in the core strategy. In response officers stated that the Core Strategy did identify significant housing provision to the South of Leominster. However, the Core Strategy carried no weight at the present time and could not form part of the Committee's consideration.
- It was noted that a proposed Section 106 agreement was appended to the report.

In support

- There was demand for a large food store to meet residents' needs. Smaller sites were not always viable options.
- Access to the development was good.
- The development would bring in trade from the fringes of Hereford.
- People would remain loyal to existing traders in the Town.

- The store would be important for Leominster's future development.
- The withdrawal of the Environment Agency's objections was a positive step.

In Opposition

- The development had the potential to generate other retail development on the site which would in time lead to it becoming an alternative to the Town Centre as a shopping destination.
- The development was out of the Town Centre, was unsustainable and would increase reliance on private car use. It was unlikely that those visiting the store would necessarily make a connected trip to the Town Centre.
- Whilst there may not be alternative sites for a large development of the type proposed, there were more suitable sites for retail development in the Town Centre.
- The site was identified as employment land and should be retained to provide employment opportunities.
- The development would put the Town Centre at risk. The Town Centres Study report by Deloitte had assessed the Centre as healthy but vulnerable.
- It was important to preserve the County's Market Towns.
- The proposal was contrary to policy S7 in that it would jeopardise the character of Leominster, potentially putting the Town Centre's listed buildings occupied by traders at risk.
- A Member said that they were not aware of massive support for the Scheme but were aware of real concerns about it.
- The Parish Plan sought for any new retail development to have the support of the whole community.
- The application was contrary to both the National Planning Policy Framework and local planning policies.
- The Town Centre businesses offered consumers a wider choice than the homogenised offerings of supermarkets. Two modestly sized supermarkets along with smaller local shops already served the town. Town centre use should be encouraged
- In recommending refusal it was requested that the resolution specifically identified the paragraphs in the National Planning Policy Framework on which the grounds for refusal were based. It was noted that these were stated in the report to the Committee in September which was appended to the report before the Committee.

The local ward members were given the opportunity to close the debate.

Councillor PJ McCaull reiterated his support for the application.

Councillor RC Hunt had no additional comments.

RESOLVED:

That planning permission be refused for the following reasons:

- 1 The Local Planning Authority does not consider the submitted sequential assessment to be robust and as such is considered to be contrary to paragraph 24 of the National Planning Policy Framework and policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary**

Development Plan 2007.

- 2 **The applicant has failed to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Leominster Town Centre contrary to paragraph 26 of the National Planning Policy Framework and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.**
- 3 **Given reason for refusal 2 above, the Local Planning Authority consider that the proposed development would be likely to adversely affect the character of the Leominster Conservation Area contrary to paragraphs 128 to 133 of the National Planning Policy Framework and policy S7 of the Herefordshire Unitary Development Plan 2007.**
- 4 **The proposal would result in the loss of good quality employment land. The applicant has not demonstrated that there is a surplus of such land or that removal of the existing use from the site would give rise to substantial benefits to residential or other amenity issues. Furthermore, the proposal is not a minor or incidental activity associated with another use that is compliant with policy. The proposal is therefore contrary to paragraphs 7 and 8 of the National Planning Policy Framework and policies S4 and E5 of the Herefordshire Unitary Development Plan 2007.**
- 5 **The proposal is considered to be in an unsustainable location that would increase reliance upon the private motor vehicle, contrary to paragraph 29 of the National Planning Policy Framework and policies S1, S5, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.**

INFORMATIVES

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.**

(The meeting adjourned between 11.15 and 11.25 am.)

117. 130616/F LAND AT MILL STREET, LEOMINSTER, HEREFORDSHIRE

(Councillor AN Bridges declared an interest and left the meeting for the duration of this item.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He highlighted that the principle of residential units was not opposed in outline as part of the site had been allocated for such housing. The size of the retail development was a fundamental concern.

In accordance with the criteria for public speaking, Mr P Ellis spoke on behalf of Leominster Town Council, opposing the Scheme. Mr J Verity, Chairman of the Leominster Civic Society, spoke in objection. Mr A Ingram the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors P Jones CBE and FM Norman, the local ward members, spoke on the application.

Councillor FM Norman commented on a number of issues including:

- The size of the proposed store was colossal making it in effect a one stop shop. It would have an unacceptable impact on the Town Centre. This was supported by independent evaluation.
- The loss of trade by the existing supermarkets in the Town would reduce linked trips.
- The proposed petrol station would also affect other businesses.
- The development of an out of centre Supermarket at Llandriddrod Wells was an example of the harmful effects such a development could have on a Town Centre.
- The proposal was contrary to policy S7 in that it would jeopardise the character of Leominster, potentially putting the Town Centre's listed buildings occupied by traders at risk.
- There were concerns that the site was at risk of flooding.
- Highway safety was a concern. A considerable amount of traffic including heavy goods vehicles used Mill Street and account also did not appear to have been taken of traffic visiting Brightwells auctioneers. The intention to increase the length of time for which the gates at the Mill Street level crossing were closed would lead to increased tailbacks. Network Rail had originally proposed that a bridge over the railway would be needed. Their current view that a roundabout would suffice was surprising.
- The Town Council and many residents objected to the proposal. She was unaware of any public support for the application. It was therefore contrary to the Parish Plan.

Councillor P Jones spoke in support of the application. He stated that Supermarkets were liked by customers and the Town would benefit from the proposal. He acknowledged that there were a number of concerns including the volume of traffic using Mill Street, in particular given the increased time for which the level crossing would be closed.

The debate opened and the following principal points were made:

- The focus needed to be on the needs of Leominster and its residents. The sheer scale of the proposal and the detrimental impact it would have on trade in the Town Centre as a consequence was a major concern. A major retail development of this scale, in this location was not proportionate for Leominster.
- In response to questions the Principal Planning Officer commented that part of the site was allocated for housing within the Unitary Development Plan. However, any such development would need to be the subject of a separate planning application.
- The railway level crossing was a considerable constraint and the development would place considerable pressure on the transport network.

- The concerns of the Environment Agency reflected in recommendation 4 as set out in the agenda papers were highlighted.
- The Town Council was opposed to the application.
- There were compliments for Dales as a firm and support for its wish to expand. However, the proposed scheme was not the only option open to it to achieve that aim.
- In recommending refusal of the application it was requested that the resolution specifically identified the paragraphs in the National Planning Policy Framework on which the grounds for refusal were based, to reflect paragraph 2.1 of the report.

The local ward members were given the opportunity to close the debate.

Councillor Norman reiterated her opposition to the Scheme.

Councillor Jones reiterated his support for the Scheme.

RESOLVED:

That planning permission be refused for the following reasons:

- 1 The applicant has failed to demonstrate that the proposal would not have a significant adverse impact upon the viability and vitality of Leominster Town Centre contrary to paragraph 26 of the National Planning Policy Framework and Policies S5, TCR1, TCR2 and TCR9 of the Herefordshire Unitary Development Plan 2007.**
- 2 Given reason for refusal 1 above, the Local Planning Authority consider that the proposed development would be likely to adversely affect the character of the Leominster Conservation Area contrary to paragraphs 128 to 133 of the National Planning Policy Framework and policy S7 of the Herefordshire Unitary Development Plan 2007.**
- 3 The proposal is considered to be in an unsustainable location that would increase reliance upon the private motor vehicle, contrary to paragraph 29 of the National Planning Policy Framework and policies S1, S5, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.**
- 4 The site is located within a Secondary Aquifer and a groundwater Source Protection Zone 2 and the applicant has not demonstrated that there are overriding reasons to justify its siting in this location. Furthermore it has not been demonstrated that the proposed petrol filling station and its associated underground storage tanks can be accommodated on the site without detriment to water supplies and therefore the proposal is contrary to Policy DR4 of the Herefordshire Unitary Development Plan.**
- 5 The proposal is likely to result in traffic movements that increase the frequency of queuing traffic along Mill Street to the detriment of highway safety, contrary to Policies S1, S2, S6, DR3 and T8 of the Herefordshire Unitary Development Plan.**

INFORMATIVES

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.**

(The meeting adjourned between 12.10 and 12.15pm)

118. 132192/F LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr W Bullough spoke on behalf of Clifford Parish Council opposing the Scheme. Mrs P Cooke, a resident spoke in objection. Mrs K Smolas the applicant spoke in support of her application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PD Price the local ward member, spoke on the application

He commented on a number of issues including:

- The latest proposal was different to the applications previously refused
- The area was significant and special in terms of its ecology and environment.
- Following the refusal of previous applications, the applicant had discussed the latest proposal with local people. However, many still objected. A few, in particular businesses who thought they might benefit supported the Scheme. It was noted that some views were not consistent with the actual application.
- The access was poor and there was some uncertainty and inconsistency in the documentation over the number of traffic movements that would in fact take place. There was little if any scope to improve the access because the land that would be required was either common land or privately owned. He questioned the extent to which a traffic management plan would be enforceable and noted that any enforcement would only take place after the event.
- There was concern over the sufficiency of the water supply. He questioned the accuracy of the Environment Agency's analysis.
- There was concern about the noise that would be associated with the development.
- Visit Herefordshire's reference to "exploiting" the County's assets as set out at paragraph 5.7 of the report was unhelpful.
- He believed that the number of visitors would need to increase from the stated level if it were to meet the income forecasts accompanying the application. He was therefore also concerned about the longer term implications if planning permission were to be granted.

The debate opened and the following principal points were made:

- Concern was expressed about the access and the number of vehicle movements. It was suggested that the application could be approved if a suitable traffic management plan was in place and enforced. It was proposed that the details of a Plan should be discussed with the local ward member to ensure that they were as resilient as possible.
- Members questioned the enforceability of a traffic management plan. Officers commented that the Traffic management Plan would form part of the S106 agreement. Any proposal to increase traffic movements would require mitigation measures to be put in place before this could proceed. Enforcement of a traffic management plan would be reactive and rely on local representations, notably from the Parish Council
- The applicant had sought to address the concerns expressed by the Committee in refusing previous applications.
- There was a need for diversification but it must be sympathetic to its location.
- That the application was not in keeping with the location and its context.
- The financial forecast was optimistic based on the number of people it was stated that it was expected would use the site.
- The Development Manager commented that the applicants had addressed the technical issues relating to water management, water resources and ecology that had contributed to the refusal of previous applications. The Highways Officer was satisfied with the Traffic Management Plan and this aspect would be reinforced by the involvement of the local ward member as proposed.
- Members suggested that the Chairman of the Committee should be consulted in addition to the local ward member and no permission should be granted until the Traffic Management Plan was agreed.
- The Planning Officer clarified the level of use of the site and limitations that may be placed on such use.

The local ward member was given the opportunity to close the debate. He reiterated his concerns about the impact of the proposal and his opposition to the Scheme on those grounds.

RESOLVED:

That subject to the completion of a S106 agreement and consultation with the Chairman of the Committee and the local ward member on the content of a Travel Plan, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions and any further conditions considered necessary by officers

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **F06 Restriction on Use**
4. **I03 Restriction on specified activities**
5. **F14 Removal of permitted development rights**
6. **F13 Restriction on separate sale**

7. **F30 Use as holiday accommodation**
8. **H28 Public rights of way**
9. **Section 106 Agreement and Travel Plan**
10. **G11 Landscaping scheme - implementation**
11. **G16 Landscape monitoring**
12. **I33 External lighting**
13. **I18 Scheme of foul drainage disposal**
14. **K4 Nature Conservation - Implementation**
15. **D04 Details of window sections, eaves, verges and barge boards**
16. **D05 Details of external joinery finishes**
17. **D06 External finish of flues**
18. **D10 Specification of guttering and downpipes**
19. **D11 Repairs to match existing**
20. **F16 No new windows in specified elevation**
21. **Reinstatement of land**
22. **Details and formation of car park**

INFORMATIVES:

1. **N01 Access for all**

Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
2. **HN25 Travel Plans**
3. **N03 Adjoining property rights**
4. **N04 Rights of way**
5. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
6. **N11B Wildlife & Countryside Act 1981 (amended) Cons hab/spec 2010 Bats**
7. **N11C General**
8. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against**

planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

119. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.02 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 8 January 2014

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

N123317/O - CLASS A1 FOOD STORE, PETROL FILLING STATION AND ASSOCIATED PARKING AND SERVICING FACILITIES, RESIZING AND REFURBISHMENT OF TWO CLASS B UNITS AND ASSOCIATED HIGHWAY WORKS AT LAND AT SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE, HR6 0QF

For: Mr Liptrott per Mr Barris Liptrott, The Finlan Centre, Hale Road, Widnes, Cheshire, WA8 8PU

ADDITIONAL REPRESENTATIONS

Further correspondence has been received from Barton Wilmore on behalf of Frank H Dale Ltd. They support the recommendation for refusal and are of the view that their clients site is sequentially preferable, being closer and well linked to the town centre. They also point out that Sainsbury's are contracted to their clients site whilst no operator is specifically identified to this site.

Peacock & Smith Planning Consultants, acting on behalf of Wm Morrison Supermarkets Plc have reinforced their objections to the application on the following grounds:

- The site is safeguarded employment land under Policy E5 of the Herefordshire Unitary Development Plan.
- The site is in an out-of centre location with little prospect of encouraging linked trips.
- The proposal will have a detrimental impact on the performance of existing food retail facilities in Leominster and will adversely impact the vitality and viability of the town centre.

Correspondence from the 'Town Centres First in Herefordshire' group, who represent campaigners from the local market towns of Leominster, Bromyard and Ledbury has also been received. In summary the points raised are as follows:

- They point out that they are not fundamentally opposed to supermarkets and acknowledge a need to strengthen the sustainability of high streets.
- The Committee are urged to take a consistent approach and refuse the application in the same way as they did in Ledbury. The correspondence notes that, despite their suggestions at the time, the applicants did not lodge an appeal against the Council's decision in that particular instance.
- The proposal considers that approval would be disastrous for Leominster and would open the floodgates for similar decisions elsewhere across the county.

A letter of support has been received from a local resident who expresses the view that there is a need for at least one new large food store in Leominster. In summary the points raised are as follows:

- A new store would be of benefit to Leominster and its nearby villages.
- The proposed population expansion in Leominster means that a new food retail outlet will be necessary.

- The opening of new retail premises will have little or no lasting adverse effect upon existing town centre retail activity.
- The opening of new retail premises, combined with the proposed expansion plans of the applicant will offer significant employment opportunities.

OFFICER COMMENTS

The correspondence received does not raise any new issues and therefore no change to the recommendation is proposed.

CHANGE TO RECOMMENDATION

No change to the recommendation

130616/F - HYBRID PLANNING APPLICATION (PART DETAILED/PART OUTLINE) FOR THE PART DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND MIXED USE DEVELOPMENT OF THE SITE TO PROVIDE A RETAIL STORE, PETROL FILLING STATION, RESIDENTIAL AND ASSOCIATED WORKS. AT LAND AT MILL STREET, LEOMINSTER, HEREFORDSHIRE,

For: Frank H Dale Ltd per 7 Soho Square, London, W1D 3QB

ADDITIONAL REPRESENTATIONS

Further correspondence has been received from Barton Wilmore on behalf of Frank H Dale Ltd. In summary the following points are raised:

- There is surprise that the application is recommended for refusal on highway grounds given that there is no objection from either Network Rail or the Highways Agency. It does not appear that there has been any technical analysis of the Transport Assessment.
- It is clear from the Retail Assessment and supplementary notes to it that existing convenience stores in the town centre (including Aldi) will continue to trade above company average levels.
- The level of retail impact has been shown to be 6%, a level which cannot be considered to be significantly adverse.
- The benefits of the application have not been appropriately considered; namely:
 - a) The retention of Dales in the town and further job creation
 - b) Improved flood protection measures
 - c) Provision of new housing, including affordable housing
 - d) Improved local choice and competition for stores in Leominster and the retention of leakage to Hereford for both food and non-food shopping
 - e) Potential for linked trips and ease of access by foot from both the town centre and residential areas

Peacock & Smith Planning Consultants, acting on behalf of Wm Morrison Supermarkets Plc have reinforced their objections to the application on the following grounds:

- The site is safeguarded employment land under Policy E5 of the Herefordshire Unitary Development Plan
- The site is in an out-of centre location with little prospect of encouraging linked trips
- The proposal will have a detrimental impact on the performance of existing food retail facilities in Leominster and will adversely impact the vitality and viability of the town centre

Correspondence from the 'Town Centres First in Herefordshire' group, who represent campaigners from the local market towns of Leominster, Bromyard and Ledbury has also been received. In summary the points raised are as follows:

- They point out that they are not fundamentally opposed to supermarkets and acknowledge a need to strengthen the sustainability of high streets
- The Committee are urged to take a consistent approach and refuse the application in the same way as they did in Ledbury. The correspondence notes that, despite their suggestions at the time, the applicants did not lodge an appeal against the Council's decision in that particular instance.
- The proposal considers that approval would be disastrous for Leominster and would open the floodgates for similar decisions elsewhere across the county.

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- A new store would be of benefit to Leominster and its nearby villages
- The proposed population expansion in Leominster means that a new food retail outlet will be necessary
- The opening of new retail premises will have little or no lasting adverse effect upon existing town centre retail activity
- The opening of new retail premises, combined with the proposed expansion plans of the applicant will offer significant employment opportunities

OFFICER COMMENTS

Mill Street is not part of the A49(T) and therefore the comments from the Highways Agency do not relate specifically to the intensification of traffic movements along it. The Council's Highway Engineer has considered the Transport Assessment that has been submitted. However, his comments reflect his first hand observations of road conditions along Mill Street rather than the computer modelling upon which the Transport Assessment is based.

CHANGE TO RECOMMENDATION

No change to the recommendation

MEETING:	PLANNING COMMITTEE
DATE:	29 JANUARY 2014
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application 132448/O

- The appeal was received on 13 January 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs C Graham
- The site is located at Land adjacent to Longlands, Lower Hardwick Lane, Bromyard, Hereford
- The development proposed is New three bedroom dwelling with access drive, parking and garden.
- The appeal is to be heard by Written Representations

Case Officer: Mr Matt Tompkins on 01432 261795

Application 132516/O

- The appeal was received on 31 December 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Griffiths
- The site is located at Land at, 1 Knapp Close, Goodrich, Ross-On-Wye, Herefordshire, HR9 6JW
- The development proposed is Site for detached dwelling with ancillary works.
- The appeal is to be heard by Written Representations

Case Officer: Mr R Close on 01432 261803

Application 131632/F

- The appeal was received on 31 December 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Bernard Jones
- The site is located at Land at Redlea, Dinedor, Hereford
- The development proposed is Erection of a single storey chalet bungalow.
- The appeal is to be heard by Written Representations

Case Officer: Mr E Thomas on 01432 260479

APPEALS DETERMINED

Application 122747/O

- The appeal was received on 19 March 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Lioncourt Homes (Development No.10) Ltd
- The site is located at Home Farm, Belmont, Hereford, HR2 9RX
- The development proposed was Site for residential development for up to 85 dwellings with access, associated open space, landscaping, infrastructure and parking provision.
- The main issue was whether, having regard to the supply of housing land within the district, the proposals would give rise to any adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, the setting of designated and non-designated heritage assets and nature conservation interests, that would significantly and demonstrably outweigh the benefits of the scheme so as not to contribute to the achievement of sustainable development.

Decision:

- The application was Refused under Delegated Powers on 27 December 2012
- The appeal was Dismissed on 10 January 2014
- An Application for the award of Costs, made by the Appellant against the Council, was partially allowed.

Case Officer: Ms K Gibbons on 01432 261781

Application 130292/F

- The appeal was received on 29 July 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr M Rohde
- The site is located at Land adjacent to Village Hall, Clehonger, Herefordshire
- The development proposed was proposed three bedroom property.
- The main issues were: the effect of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of 1 Birch Hill Road in regard to outlook.

Decision:

- The application was Refused under Delegated Powers on 10 May 2013
- The appeal was Dismissed on 3 January 2014

Case Officer: Ms K Gibbons on 01432 261781

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



MEETING:	PLANNING COMMITTEE
DATE:	29 JANUARY 2014
TITLE OF REPORT:	P132230/O - SITE FOR ERECTION OF NINE HOUSES AND ASSOCIATED DEVELOPMENT AT LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ For: Mr Griffiths per 9 The Courtyard, Timothy's Bridge Road, Stratford upon Avon, Warwickshire, CV37 9NP
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132230

Date Received: 13 August 2013

Ward: Credenhill

Grid Ref: 345223,243644

Expiry Date: 25 October 2013

Local Members: Councillor RI Matthews

1. Site Description and Proposal

- 1.1 The application site lies to the north of the main village of Credenhill, accessed from the A480 and located between Well Cottage to the east, the barn conversion complex, Cross Barns, to the west and St Mary's CE Primary School to the south. The site is an irregularly shaped field and is approximately 0.6 hectares in size. The site slopes gently by about 3m from north to south and 1m from west to east. The boundary of the site to the north / north west comprises a stone wall, with three mature horse chestnut trees, whilst the remainder of the site consists of fencing and walling of various types. The southern and eastern boundaries benefit from mature trees.
- 1.2 The proposal is an outline application, with all matters except for access reserved. The application seeks to establish the acceptability of a residential development for 9 dwellings and associated infrastructure. The application is accompanied by a detailed planning statement, ecology report and archaeological appraisal.
- 1.3 An indicative layout is also provided that details 9 plots or 6 detached properties and three terraced properties. The site will provide three affordable dwellings (2 x 2 bed and 1 x 3 bed). A soft landscape amenity space is indicated on the western boundary of the site, with its intention being a 'no-go area' for trees and native habitat enhancement rather than as public open space.
- 1.4 Access to the site is proposed in the position of the existing access, to the west of the northern boundary. A revised plan (drawing number 6991-6 –Rev B) has been submitted that details the preferred rebuilding of the wall behind the visibility splay to a height of 1.2m instead of the previous plan that reduced the height of the wall to 0.5m within the visibility splay.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	–	Achieving sustainable development
Section 6	–	Delivering a wide choice of high quality homes
Section 7	–	Requiring good design
Section 8	–	Promoting healthy communities
Section 11	–	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
H9	-	Affordable Housing
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
HBA4	-	Setting of Listed Buildings
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees. Woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological assessment and field evaluations

2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity
SD1	-	Sustainable design and energy efficiency

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- SD3 - Sustainable water management and water resources
- ID1 - Infrastructure delivery

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

3. Planning History

3.1 CW2001/0698/F – Proposed new agricultural access to field – Approved with Conditions 7th November 2001.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water: No objection subject to conditions and note position of the mains sewer within the site.

Internal Council Advice

4.2 The Transportation Manager makes the following comments:

The site is within a 30mph limit and the site access is proposed at the location of an existing access which is proposed to be improved to serve the development. The five year Personal Injury Accident history 100m either side of the access at the location indicates only one injury accident, involving a single vehicle on the side road to the east rather than on A480.

I have looked at the information within the Design and Access Statement and the indicated visibility splays in terms of Manual for Streets methodology and requirements, which is being widely used generally and by the Planning Inspectorate in the determination of planning appeals. The achievable 70m visibility to edge of road to the east would exceed the MfS requirements for the speeds that are observed at the location. Visibility to DMRB for 30mph of 90m is available, albeit partially over the access and garden of the adjacent property, Well Cottage. As this forms visibility for their own access, whilst not guaranteed, it is likely to remain. To the west greater visibility is available. Stopping sight distances for drivers approaching from the west of a stationary vehicle waiting to turn right into the access is also achievable. With the on carriageway SLOW markings and approach warning signs for the school and crossing, drivers should be prepared for hazards. The approach carriageway also has high friction surfacing.

Therefore, whilst full DMRB visibility of 90m within their control would be preferable, as MfS standard visibility is to be provided, I consider that a refusal on highways grounds would be likely to be difficult to substantiate and have recommended approval subject to conditions.

The internal layout is considered acceptable, but if the road is to be adopted, the boundary wall will need to be reconstructed to the rear of the visibility splay and land forming the splay to be dedicated as highway. I note however the Design and Access Statement in Paragraph 5.2 states that whilst constructed to adoptable standards, it is intended to remain in private ownership, therefore a Section 38 agreement would not be required. I also note in Paragraph 5.1 that the wall is to be rebuilt 1m further away from the road, whereas the plans show visibility over the wall which is to be reduced in height to 600mm. If lowering of the wall is chosen then this should be for the full length and not just to 600mm height but to a height to ensure that visibility between points 600mm above ground at each end of the splay is achievable, which is likely to be lower. Clarification should be sought in this respect, but the

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

setting back of the wall would be preferable. *(Note: this section of the response has been superseded by the submission of the amended plan referred to in the introduction)*

A larger footway and landing area could then be provided at the crossing, subject to land dedication. The geometric standards for the road set out in Paragraph 5.2 are considered acceptable. Pedestrian dropped kerbs will be required for continuity of the footway across the access.

Garages should be sized appropriately to accommodate cycles and cars (minimum width 3m single, 6m double and minimum length 6m)

The proposed Heads of Terms are acceptable, but I would suggest that speed reduction measures are added to the list of potential uses.

Recommends that any permission which this Authority may wish to give include the following conditions:-

CAB (as shown on drawing 6991-600) CAE CAH CAL CAQ CAZ and informatives I05 I11 and I45

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

I read the ecological report by Swift Ecology dated August 2013. I accept its findings and agree with the recommendations for protected species and habitat enhancement.

The National Planning Policy Framework 2012 states that “The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible”. It goes on to state that “when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity” and “opportunities to incorporate biodiversity in and around developments should be encouraged”.

If European Protected Species are present on a development site, the Local Planning Authority must establish whether the three tests have been met prior to determining this application. If the Wildlife Licensing Unit at Natural England is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

- 1 That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
- 2 That there is “no satisfactory alternative”
- 3 That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

If this application is to be approved, I recommend the inclusion of conditions and informatives.

4.4 The Council’s Housing team supports the principle of the application which would deliver 3 affordable units for social rent. The house sizes and tenure are all supported. The dwellings are required to be built to Lifetime Homes, DQS and a minimum level of Code 3 for Sustainable Homes.

4.5 The Parks and Countryside Manager makes the following comments:

It is noted that the draft Heads of Terms include a contribution towards off-site POS including local play facilities and recreational rights of way that exist in the vicinity. These details are in accordance with my pre-application comments.

It is noted that the Planning Statement makes reference to a "soft landscaped amenity space measuring 400 sqm" which is not intended to perform the role of POS and instead will be a "no go area". This is to be supported as per my previous comments and the development of a management plan for the long-term management of this area by future residents is welcomed

4.6 The Conservation Manager (Archaeology) has received the Archaeological Assessment and confirms that this resolves all outstanding matters and that no conditions are needed.

5. Representations

5.1 Credenhill Parish Council make the following comments:

The parish council wish to OPPOSE the planning application for the following reasons:

- 1 The Safer Roads Partnership report shows that for the period 23 October to 27 November 2012 that the average number of vehicles travelling through this location over a 24 hour period is 5,794. The parish council has grave concerns that the location of the entrance to the development, will cause further accidents to those using the A480. Many motorists do not comply with the 30 mile per hour speed limit and we are concerned that vehicles pulling out of the development towards Hereford will increase the accident rate for this area.
- 2 The parish council strongly question the visibility distances as shown on the proposed access plan. The figures given do not take into account the reduced line of visibility when the owners at Well Cottage park their cars on their drive. Also worth noting is the visibility towards Station Road which will also be reduced due to a large hedge on the roadside at 2 Cross Barns. We note the comments made in the planning statement by Adrian Smith (Highways officer) that 'the 70m visibility to edge of road would JUST meet the MfS minimum requirements for the speeds that are indicated at the location'.
- 3 The bus stop bound for Hereford is also a cause for concern as vehicles have to remain stationary behind the bus whilst passengers get on. This has been a problem for a number of years as vehicles travelling to Hereford around the bend have very limited time to stop. This added to the extra traffic joining the highway from the development can only cause more difficulties. The parish council would stipulate that a bus layby be created as mentioned in the planning statement item 5.9. This would allow the bus to pull off the highway and rejoin when safe to do so.
- 4 Please note the bus stop shown on the proposed access plan is incorrect. The stop is actually further along near to 3 Cross Barn, closer to the junction with Station Road.
- 5 This area is also used by local pedestrians especially school children who walk to school. Many parents are worried about the effect of another junction being added to the area.
- 6 Residents have informed the parish council that the sewerage system is already causing regular problems in this area and the field floods with raw sewerage as the main drains are unable to cope.

- 7 The buildings next to and opposite the proposed development are listed. Any development within this area would need to be sympathetic and in keeping with the rural area.
- 8 The parish council query whether this is an over developed site and if the number of houses should be reduced.

5.2 9 letters of objection have been received that raise the following issues:

- Highway safety concerns including examples such as:
 - speed limits not observed
 - Position of bus stops in such close proximity to the access along with pedestrian crossing and other junctions and accesses causes conflict / accidents
 - Traffic queues behind the waiting buses, causing cars to pull out or to brake suddenly, especially when they meet a queue; They also restrict visibility.
 - Surrounding access are already difficult and dangerous to manoeuvre around.
 - High number of accidents in vicinity
 - Large number of additional cars using the access for 9 dwellings
 - Development would be hidden. between two bends
 - Does not take into account loss of visibility due to trees
 - Near to local school with a lot of pedestrian movements
- Impact of development of the character of the listed barns and area
- Numbers of dwellings proposed is out of character with the area and village infrastructure would not cope
- The field provides a visual break and the development will blur the edges of the village.
- Loss of privacy to adjoining dwelling
- Impact on wildlife and protected species such as bats
- Lack of sewerage capacity as demonstrated with blockages in last 5 years. Additional load would cause health hazard.
- Potential for surface water flooding

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The application falls to be considered having regard to the following matters:

- 1) Principle of development
- 2) Access and Highway Safety
- 3) Impact of development upon the character of the area and amenities of residents
- 4) Impact upon the setting of the listed buildings
- 5) Ecology
- 6) Drainage
- 7) Section 106 Agreement

Principle of Development

- 6.2 The application seeks outline planning permission for the erection of 9 dwellings on land outside but immediately adjacent a main village's settlement boundary (Policy H4 of the UDP). The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).
- 6.3 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.4 Very recently, the Council has received an appeal decision for Home Farm, Belmont (Application 122747). This appeal considered in detail the issue of whether the Council could demonstrate the existence of a 5-year housing land supply in the County. The Inspector's decision has now been received and the appeal has been dismissed. Housing land supply was a key part of this appeal and although the Inspector did not provide an indication of the level of supply that he considered currently exists the decision provides a clear indication that the Council currently cannot demonstrate a 5-year housing position. An up-to-date position using the Inspector's advice in respect of the elements which should and should not be included within the County's land supply is being produced and will be available by the end of March 2014.
- 6.5 Notwithstanding this, it remains the case that for the purposes of housing delivery the relevant policies of the UDP must be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted.*
- 6.6 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.7 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained if subject to appeal.
- 6.8 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. In this case the site is considered to represent a sustainable location for development

with access to goods and services. It is recognised that Credenhill is a main village and has good links to the County's main centre of population (Hereford) and the goods, services and employment opportunities located there. Other roles will be considered further in this report but as the application site is located immediately adjacent the existing settlement boundary, it is considered sustainable in terms of its location and 'in principle' should be supported.

Access and Highway Safety

- 6.9 The access to the site is considered to be in the optimum position in terms of highway safety, with the amended plan detailing the wall to be rebuilt behind the visibility splay. Achievable visibility meets the Manual for Street (MfS) standards and the Transportation Manager has not raised an objection to this proposal. In coming to this conclusion, consideration has been given to the concerns raised in respect of the siting of the bus stops and the associated bus waiting and traffic queues, proximity of other junctions and accesses as well as the amount and speed of traffic.
- 6.10 The acceptability of this access must be considered in relation to the policy context. Policy DR3 of the Unitary Development Plan requires that development *'incorporates adequate provision for vehicular access from the highway network, without detriment to highway safety or to pedestrians, cyclists or public transport'*. Paragraph 32 of the National Planning Policy Framework requires that decisions should take account of whether:
- 'safe and suitable access to the site can be achieved for all people' and:*
- 'improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe'*
- 6.11 One of the key concerns locally relates to the location of the bus stops adjacent to the site and residents describe the existing problems that occur when a bus stops for passengers to alight or board, causing cars to queue and traffic to have to stop quickly when approaching around the bend, or cars pulling around the waiting bus. Whilst this access is offset from the bus stop, it is local opinion that this new access will contribute to the potential for accidents in the area. There is a desire locally to create a bus 'layby / pull in' on land to the north of the A480 to try and address this concern.
- 6.12 Whilst officers acknowledge the problems caused by the location of the bus stop opposite the site and note the desire locally for this to be improved through the provision of a pull in bay. The provision of this bus lay by is not considered to be necessary to make this application (for 9 dwellings) acceptable in highway safety terms although it is acknowledged that the improvement would be of benefit to users of the access. It would also potentially benefit all highway users if secured but a detailed highway safety audit would need to be undertaken before the Council could commit to this course of action. The land required is also outside of the Council's or applicant's control as it is in private ownership. If this was undertaken in the future then it would be desirable to provide improved passenger waiting facilities as part of these works and section 106 monies from this development could be used to provide these in the future if works were undertaken using pooled contributions. As such 'improvements to passenger waiting facilities' is included in the heads of terms, along with improvements to pedestrian and cycle links and speed reduction measures.
- 6.13 As such, officers would advise that the site can accommodate an adequate safe access that complies with the recognised standards. The impact from traffic movements of 9 dwellings would not be one that can be considered in the context of paragraph 32 as 'severe'. An objection based on the failure to provide this bus lay-by / pull in would be difficult to defend in this policy context as it is not 'cost effective' and there is no 'significant or severe impact' on highway safety from this development. However, the benefits of providing this are noted and the use of section 106 monies for this purpose has been agreed with the applicant. As such,

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

the proposal in its current form, with the required section 106 contributions is considered to comply with the requirement of policy DR3 of the Unitary Development Plan and paragraph 32 of the NPPF.

Impact upon residential amenity

- 6.14 The impact upon the living conditions of nearby residents is considered acceptable. Although the submitted layout is illustrative only, and not necessarily reflective of the detailed proposal that may come forward at the Reserved Matters stage, it does demonstrate that 9 dwellings can be accommodated within the site without requiring undue proximity to the nearest affected dwellings. There would be a need to improve boundary treatments in respect of these properties, and a condition is recommended to secure this. The layout of the site has also been considered to include an area of planting and significant separation distances between properties. Officers are content that in this regard the scheme would comply with 'saved' policy H13 and guidance laid out in paragraph 17 of the NPPF although this issue will be more carefully considered in its Reserved Matters form.

Impact upon the setting of the listed buildings

- 6.15 The site lies adjacent to the Grade II Cross Farm and its curtilage listed barns (Cross Barns) and opposite the grade II listed Cross Cottage. The impact upon the setting of these listed buildings has been carefully considered by officers. The indicative layout reflects this, ensuring development is located to the east of the site. The design and siting of the proposed dwellings, along with the details of soft and hard landscaping schemes will also be carefully considered at any subsequent Reserved Matters stage. It is officers opinion that the development of the site can be undertaken without significant harm to the setting of the listed buildings or character of the area and as such this would comply with the requirements of policies HBA4 of the Unitary Development Plan and paragraphs 132 and 133 of the National Planning Policy Framework.

Ecology

- 6.16 A detailed ecological report has been received, that identifies the potential for protected species along with appropriate mitigation in accordance with the requirements of policies NC7 and NC8 that seek to compensate and mitigate for loss and create, restore and enhance habitats. These policies are broadly consistent with the NPPF guidance on these matters. The impact upon biodiversity is not considered to be significant and conditions are recommended to ensure that this is undertaken.

Drainage

- 6.17 Local residents raise concern about localised flooding and drainage capacity. Welsh Water have not objected to these proposals and are content that there is capacity within the network to accommodate these dwellings. A detailed drainage scheme will be required as either part of the Reserved Matters application or by condition that will fully considered surface water drainage, attenuation and disposal. Officers are satisfied that this relatively small scale proposal complies with the requirements of policy DR4 of the Unitary Development Plan.

Section 106 and Affordable Housing

- 6.18 The proposed development falls to be considered having regard to the requirements of policy DR5 of the Unitary Development Plan and Supplementary Planning Document – Planning Obligations. A draft Heads of Terms is appended to this report that makes provision for financial contributions and also secures the provision of 3 affordable dwellings that will in the first instance be allocated on the basis of local connection to the parish of Credenhill in accordance with the requirements of policy H9 of the UDP. The provision of affordable

housing is an acknowledged social benefit having regard to the requirements of paragraph 7 of the NPPF that would weigh significantly in favour of the development.

Conclusion

- 6.19 The consultation process has identified a number of concerns arising from this proposal for 9 dwellings and these matters have been considered above. The application site lies immediately adjacent to the main settlement of Credenhill and is a location that is considered to be sustainable. Acknowledging that the Council does not have a 5 year Housing Land Supply, the requirements of paragraph 14 of the NPPF must be considered.
- 6.20 The proposals would assist in addressing the shortfall in housing supply within the County and contribute towards achieving a five year supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. The affordable housing element of the scheme would assist in meeting housing needs of the local community. These are important matters which should be given considerable weight in the determination of this application. The development would assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given much weight in determining this application. The recent 'Home Farm' appeal decision also noted that residential development would also provide the Council with additional revenue via the New Homes Bonus.
- 6.21 These benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that all impacts can be successfully mitigated and as such, there is a clear and overriding weight of evidence supporting approval of this application which is considered to comply with the requirements of the relevant saved Unitary Development Plan Policies and the National Planning Policy Framework.

RECOMMENDATION

That subject to the completion of a Section 106 agreement (in accordance with the Heads of Terms attached) planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. H01 Single access - no footway**
- 8. H09 Driveway gradient**
- 9. H18 On site roads - submission of details**
- 10. H19 On site roads - phasing**
- 11. H21 Wheel washing**
- 12. G15 Landscape maintenance arrangements**

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

13. **H29 Secure covered cycle parking provision**
14. **Before any other works hereby approved on the application site are commenced, the access shall be modified and constructed in accordance with details shown on drawing number 6991-600 Rev B and with engineering details agreed in relation to condition above.
Reason: In the interests of highway safety and to conform with the requirements of DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
15. **K4 Nature Conservation - Implementation**
16. **L01 Foul/surface water drainage**
17. **L02 No surface water to connect to public system**
18. **L03 No drainage run-off to public system**
19. **I51 Details of slab levels**
20. **G09 Details of Boundary treatments**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **G04 Protection of trees/hedgerows that are to be retained**
24. **G14 Landscape management plan**
25. **G15 Landscape maintenance arrangements**
26. **I16 Restriction of hours during construction**
27. **I20 Scheme of surface water drainage**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN10 No drainage to discharge to highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN01 Mud on highway**
5. **HN28 Highways Design Guide and Specification**

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 6. **HN13 Protection of visibility splays on private land**
- 7. **N11C General**
- 8. **N14 Party Wall Act 1996**

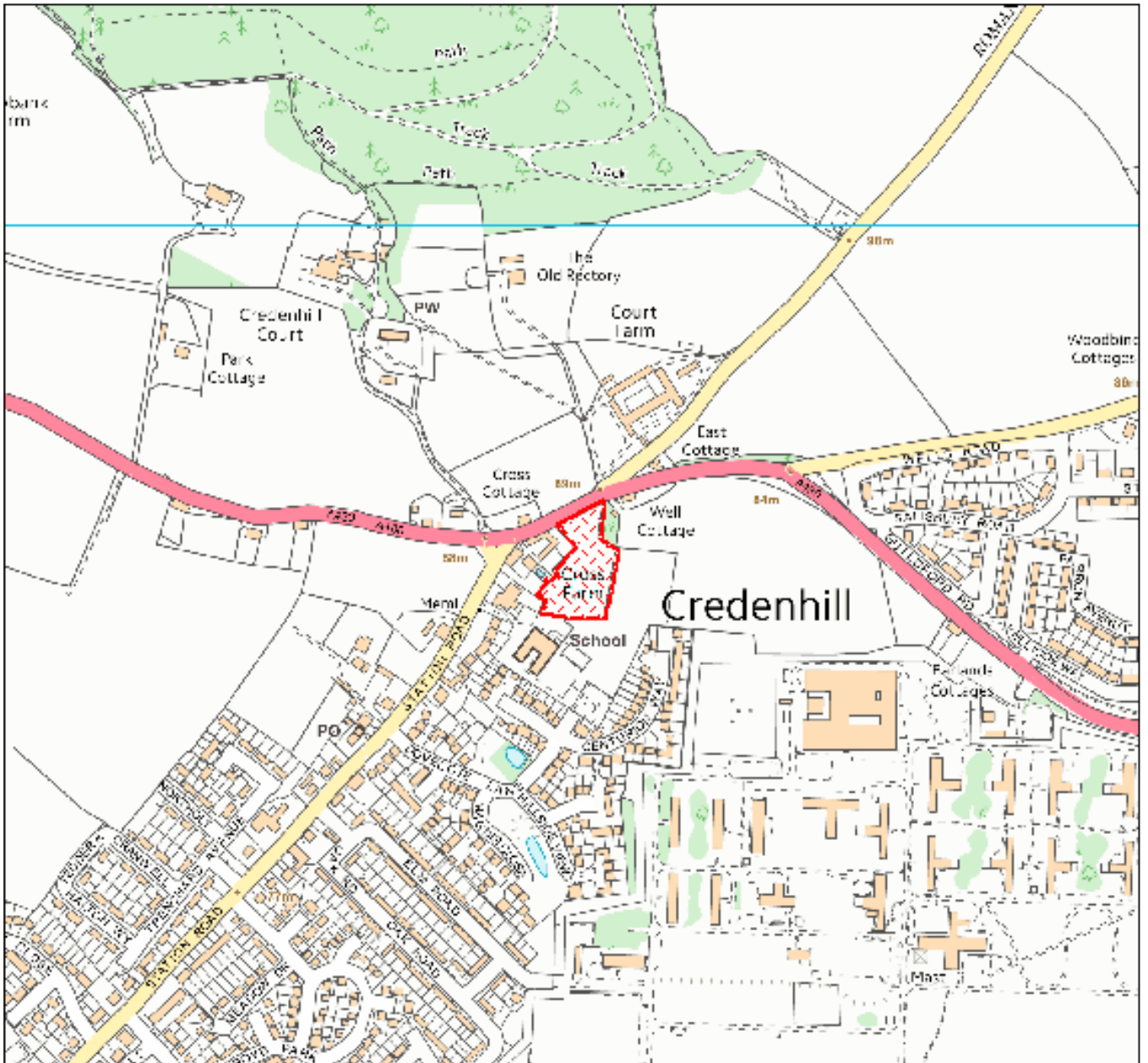
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 132230/O

SITE ADDRESS : LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Application Number: 132230/O

Residential development (9 Units) on land at Cross Farm, Credenhill, Herefordshire, HR4 7DJ.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£ 2,845.00 (index linked) for a 2 bedroom apartment open market unit

£ 4,900.00 (index linked) for a 2/3 bedroom open market unit

£ 8,955.00 (index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at St Marys Credenhill Primary School, St Frances Xavier Primary School, Weobley High School, Youth Service with 1% allocated for Special Education Needs (SEN). The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£ 1,966.00 (index linked) for a 2 bedroom open market unit

£ 2,949.00 (index linked) for a 3 bedroom open market unit

£ 3,932.00 (index linked) for a 4+ bedroom open market unit

To provide new highway and sustainable transport infrastructure to serve the development, including:

- improvements to pedestrian / cycling facilities in the area including extension of the off road cycle route and improvements to public transport facilities in the area.
- Improvements to passenger waiting facilities in the proximity of the application site
- Speed reduction measures in the locality (A480) of the application site.

The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

£ 193.00	(index linked) for a 1 bedroom unit
£ 235.00	(index linked) for a 2 bedroom unit
£ 317.00	(index linked) for a 3 bedroom unit
£ 386.00	(index linked) for a 4+ bedroom unit

for the use towards improvements identified in the Play Facilities Study, Action Plans and emerging Investment plan on play facilities in the village including Dovecote Lane which is in need of improvement to replace old and aging equipment which offers little in play value or on improving quality/accessibility of the more natural and semi natural green space and recreational rights of way as identified in the Council's Rights of Way Improvement Plan which exist in the vicinity. Priorities for spend will be identified through local consultation and at the time of receiving the contribution

The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions as appropriate.

4. *The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:*

£120.00	(index linked) for a 1 bedroom open market unit
£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed) and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:
6. The developer covenants with Herefordshire Council that three (3) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
7. Of those Affordable Housing units, 3 shall be made available for social rent occupation.
8. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

9. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 10.1. a local connection with the parish of Credenhill;
 - 10.2. in the event of there being no person having a local connection to the parish of Credenhill, a person with a local connection with the parishes of Burghill, Brinsop and Wormsley, Kenchester and Stretton Sugwas.
 - 10.3. in the event of there being no person with a local connection to any of the above parishes, any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 1.5.1 or 1.5.2 above.
11. For the purposes of sub-paragraph 10.1 or 10.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1. is or in the past was normally resident there; or
 - 11.2. is employed there; or
 - 11.3. has a family association there; or
 - 11.4. a proven need to give support to or receive support from family members; or
 - 11.5. because of special circumstances;
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Code for Sustainable Homes Minimum Level 3. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 5 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.

14. The sums referred to in paragraphs 1, 2, 3, 4 and 5 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.
15. 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.
16. 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.

KG – Jan 2014.



MEETING:	PLANNING COMMITTEE
DATE:	29 JANUARY 2014
TITLE OF REPORT:	132701/F - PROPOSED ERECTION OF LOW COST MARKET BUNGALOW FOR REGISTERED DISABLED PERSON AT AMBERLEY HEIGHTS, SUTTON ST NICHOLAS, HEREFORD, HR1 3BS For: Mr Ashcroft per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132701

Date Received: 30 September 2013 Ward: Sutton Walls Grid Ref: 354047,247587

Expiry Date: 25 November 2013

Local Members: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The site is located on the west side of the C1125 Sutton St Nicholas to Bodenham Road at the junction with Wyatt Road. The site is to the south of the Amberley Arms public house and can be reached by an access track granted permission retrospectively in 2001 from the south eastern corner of the car park of the Amberley Arms. This track provides access to the application site and to a 'workshop' used for storage purposes.
- 1.2 The application site comprises part of a paddock, associated with a stable block that lies to the west that is also in the ownership of the applicant. The site lies in a slightly elevated position above the adjoining highway.
- 1.3 The application is for the erection of a single dwelling as a low cost market bungalow. The application is made on the basis of the applicant's specific medical circumstances, details and evidence of which have been provided in the supporting documentation.
- 1.4 The proposed single storey dwelling would be sited in a plot (edged red) of just under 350 sqm. The dwelling would have a footprint of 13.5m by 7.5m (101sqm) with a single car port attached. Internally it would accommodate three bedrooms, living room, dining / kitchen bathroom and en-suite wet room. The dwelling would have an eaves height of 2.5m and ridge height of 6.5m.
- 1.5 Access to the site is via the existing track, with parking and turning provided within the red-edged site. To improve visibility, not only for the applicant but also for the users of the public house and adjoining land, the applicant also proposed removal of the existing fence and obstructions along the highway to the east of the site with planting proposed in the form of a hedge behind this new splay.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

2. Policies

2.1 National Planning Policy Framework

Chapter 1 – Paragraphs 7, 8, 14, 17
Chapter 4 – Paragraphs 32
Chapter 6 – Para 47,49, 55
Chapter 7 – Paras 58, 60, 61 and 64

2.2 Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H4	-	Main villages
H6	-	Smaller settlements
H7	-	Housing in the countryside outside settlements
H10	-	Rural exception housing
H13	-	Sustainable residential design
LA2	-	Landscape character and area least resilient to change
LA6	-	Landscape Schemes

2.3 Core Strategy

SS1 – Presumption in favour of sustainable development
SS2 – Delivering New Homes
RA1 – Rural Housing Strategy
RA3 – Herefordshire Countryside
H2 – Rural Exception Sites
LD1 – Landscape and Townscape

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1	CW2001/2639/F	1) Retrospective planning permission for 70m of roadway from existing on site roadway to highway. 2) Change of use of existing building from agricultural to welding and fabrication business for agricultural vehicle parts, building/equipment parts. 3) Demolition of existing loose boxes and re-erection of new building in same position for 2 stables and hay and tack store. - Approved	23/01/002
3.2	CW2002/3326/F	Change of use and conversion of Amberley Workshop to disabled residential property (including dormer windows and balcony) for Mr. and Mrs. D. A. Ashcroft – Refused and dismissed on appeal.	19/03/2003

- 3.3 DCCW2004/0034/F Renewal of temporary permission to allow permanent permission and variation of condition 1 of planning permission CW2001/2639/F for use of welding and fabrication 10/03/2004
- 3.4 S120037/F Proposed change of use of existing building for storage of ice cream vans. – Approved with conditions 18/04/2012

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Comments

- 4.2 The Transportation Section has no objection and recommends conditions in relation to parking and turning.
- 4.3 The Housing Team makes the following comments:

I refer to the above planning application and can confirm that Housing Needs and Development have been in discussion with the applicant and from the evidence that has been provided Mr Ashcroft is in housing need and would not be able to purchase a suitable dwelling off the open market. In addition to this I can also confirm that there are currently no suitable affordable housing properties available within the areas that Mr Ashcroft would need.

However, whilst I appreciate that this property will be built for the applicant it is essential that local households have the ability to access the property should it ever become available for purchase. Therefore, I would expect any future sale price of the property to be discounted off the open market value to ensure that it is affordable and meets local housing needs.

To ascertain the required discount percentage the applicant would need to provide two open market valuations and a S106 would be required to guarantee that the property remains affordable in perpetuity

5. Representations

- 5.1 Marden Parish Council - The parish council notes that this application is in open countryside, but feels that the circumstances of the member of the applicant's family for whom the proposed dwelling would be built mean that this application should be supported.
- 5.2 7 letters of support have been received in response to the application. These letters raise the following points:
- The proposed bungalow would help him and his family with his physical needs and continue to live as a family unit.
 - Noticed decline in his health and mobility
 - The size and positioning of the bungalow there will be no visual or landscape harm

The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 Having regard to the fact that the proposed development is intended to be an 'affordable dwelling' as a low cost market bungalow for a registered disabled person and their family, saved Unitary Development Plan policy H10 is considered to be the most appropriate to consider the development against. This policy allows for individual affordable houses and requires that these are within or adjoining an established rural settlement. This policy applies to settlements which are not specifically designated in policies H4 – Main Villages, or H6 – Smaller Settlements and which have some facilities. It is expressly stated that *'it is not the intention of the policy to allow isolated new housing in the countryside'*. This policy's requirements go on to state:

1. The scheme will contribute to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. In the case of a single affordable dwelling, clear evidence of a long-term local need will be required;
2. It is evident that local housing conditions could not otherwise satisfy the need;
3. The scheme respects both the character and size of the settlement concerned and the identified scale of need;
4. Arrangements are made to ensure that the benefits of affordable housing, for single dwellings as well as larger schemes, will be enjoyed in perpetuity by subsequent occupants in local need as well as by the initial occupiers;
5. The site's location affords reasonable access to facilities and where possible public transport;
6. Proposals do not involve mixed developments consisting of open market housing to offset the lower return on affordable housing on the same site; and
7. In settlements other than Kington (policy H2), the main villages (policy H4) or smaller settlements (policy H6) the proposal is limited to the construction of a single affordable dwelling which does not exceed the dwelling and plot size limits set in policy H6 unless clear evidence is provided to indicate a need exists for a larger dwelling.

6.2 The application site and its environs are divorced from, and have no physical connecting relationship, with any settlement whether designated or not. It is in excess of 2km from Marden or Sutton St Nicholas and whilst there is a small cluster of dwellings in this location, and the public house adjacent, the immediate locality is not considered to be capable of being described as an established rural settlement in its own right. As such this proposals fails to meet the initial requirements.

6.3 Criterion 5 of the policy states that the site location should afford a reasonable access to facilities and where possible public transport. Supporting information submitted with the application includes details of the bus service that passes the site on an hourly basis in each direction between Hereford and Leominster. This must be weighed against the fact that, whilst

walking 2km may be considered at the cusp of what would be reasonable, the highway does not have a footpath and would not be an easy or pleasant walk, along a well used, fast and in places, narrow highway.

- 6.4 These requirements mirror the requirements of Policies S1, S2 and S3 of the Unitary Development Plan to promote sustainable development in rural areas by ensuring new dwellings are located in/adjoining existing settlements. These policies are consistent with the NPPF guidance that housing should be located where it will enhance or maintain the vitality of rural communities which includes supporting existing local services.
- 6.5 As such it is concluded that the site is not located in a sustainable location since it does not form part of an existing settlement and has no services or facilities readily available and as such fails to comply with these policies and parts of H10 above.
- 6.6 Having regard to the remaining criteria of Policy H10, the personal circumstances of the applicant have been carefully considered by colleagues in Housing. They confirm their support of this application as the applicant is considered to be in housing need and would not be able to purchase a suitable dwelling off the open market. They also confirm that there are currently no suitable affordable housing properties available within the areas that Mr Ashcroft could occupy that would meet his need. Officers are also satisfied that through the use of a Section 106 agreement, this dwelling could be retained as affordable housing to meet a local need in perpetuity.
- 6.7 The proposed dwelling would also meet the size criteria, falling within the thresholds outlined in policy H6 of the UDP. The dwelling design, scale and size is also considered to be acceptable in the context, and whilst visible from the highway, would be read in the context of other buildings in close proximity and would not be visually intrusive or impact upon the amenities of any nearby residential properties. As such, this would comply with the requirements of policies DR1 and H13 of the Unitary Development Plan along with part requirements of policy H10.
- 6.8 Access to the site is also considered to be acceptable and there is an added benefit in the significant improvement in visibility for those accessing the site and public house. At present, the foliage, fence and bank cause a significant restriction of visibility leaving the car park of the public house as well as forward visibility for those approaching from Sutton St Nicholas. This application would secure a significant improvement to this and should be considered a benefit in the assessment of this application.
- 6.9 Consideration must also be given to the Council's position in respect of its 5 year housing land supply. In acknowledging that the Council does not have a 5 year supply, the requirements of paragraph 14 of the NPPF must be considered. The proposals would assist in addressing the shortfall in housing supply within the County and contribute towards achieving the required supply of housing. It would also increase choice of housing and accord with the Government's objective to boost significantly the supply of housing. As this is to be an affordable dwelling, meeting a specific need in the locality, this is also an important matter which should be given considerable weight in the determination of this application. The development would, in a small way, assist in supporting local services and facilities, as well as the construction industry. These economic considerations should also be given weight in determining this application. The recent 'Home Farm' appeal decision also noted that residential development would also provide the Council with additional revenue via the New Homes Bonus.
- 6.10 These benefits must be weighed in respect of any identified harm arising from the development. In this instance, officers would consider that all physical impacts can be successfully mitigated, but that the proposal fails to comply with the core principles of the NPPF and Unitary Development Plan policies in that its location cannot be considered

'sustainable' and as such it fails to comply with the requirement of paragraphs 7, 8 and 14 of the NPPF and of Policies S1, S2, S3, H7 and H10 of the Unitary Development Plan.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. Whilst it is acknowledged that the personal circumstances of the applicant and the detailed design, scale and size of the dwelling would meet the requirements of part of policy H10 of the Unitary Development Plan, the site does not lie adjacent to a settlement and its remote location is considered to be unsustainable. As such, the proposed development would fail to meet the requirements of Policies S1, S2, S3, H7 and H10 and cannot be considered sustainable development in accordance with the requirements of the National Planning Policy Framework.**

INFORMATIVE:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.

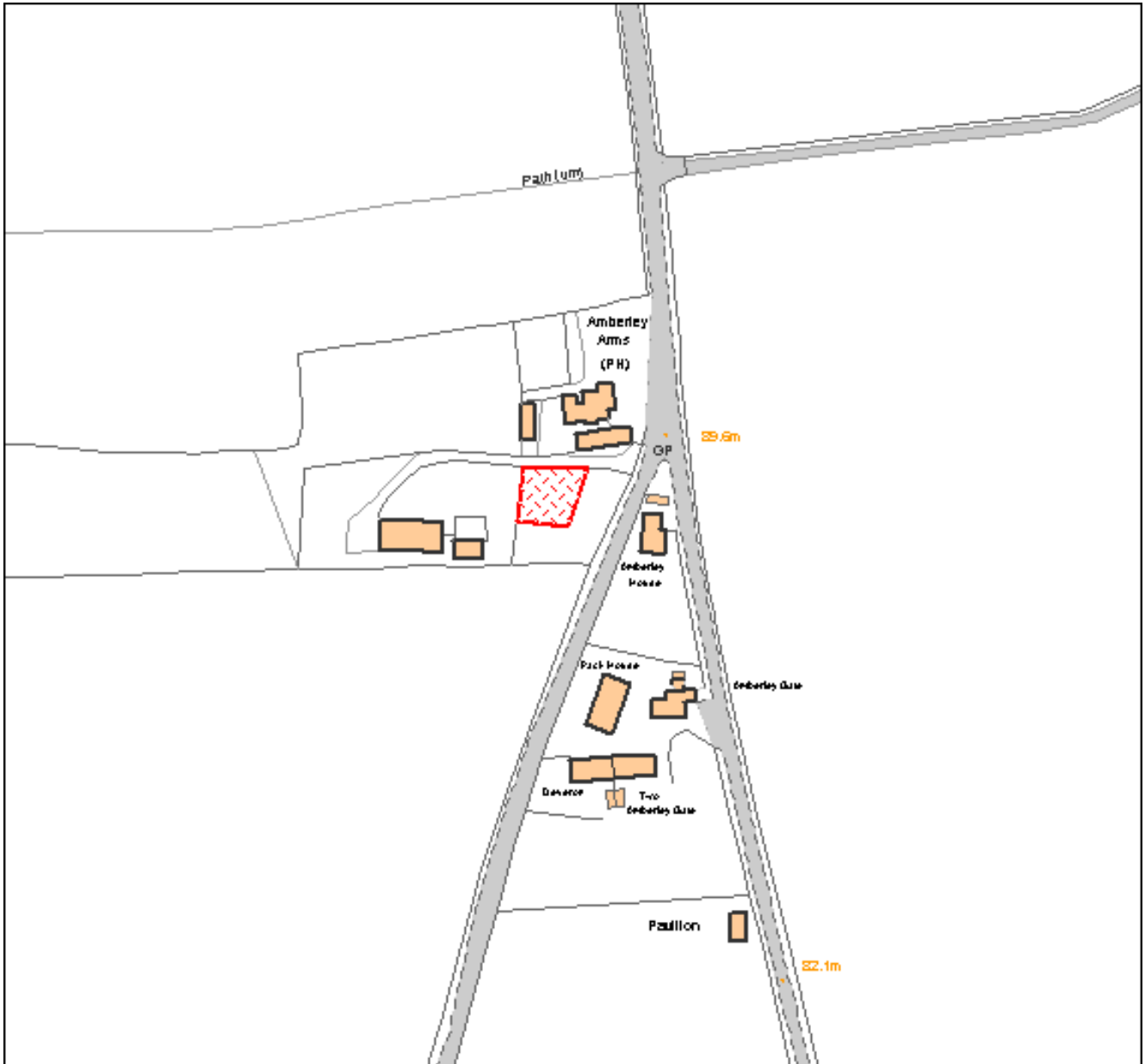
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132701/F

SITE ADDRESS : AMBERLEY HEIGHTS, SUTTON ST NICHOLAS, HEREFORD, HR1 3BS

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Further information on the subject of this report is available from Ms K Gibbons on 01432 261781



MEETING:	PLANNING COMMITTEE
DATE:	29 JANUARY 2014
TITLE OF REPORT:	132588/F - CHANGE OF USE FROM C3 DWELLING TO D1 DENTAL SURGERY AT 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY For: Mr R Parsons per Mr Leonard Vidler, Linton Design, 5a Old Road, Bromyard, Herefordshire, HR7 4BQ
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132588

Date Received: 18 September 2013 Ward: Bromyard Grid Ref: 364694,254338

Expiry Date: 13 November 2013

Local Members: Councillors A Seldon and JG Lester

1. Site Description and Proposal

- 1.1 1 Hatton Park is a modest bungalow occupying a corner plot located to the south-west of the junction between an unadopted road known as Hatton Park and the A44. The dwelling is set back approximately 15 metres from the edge of the A44 and 10 metres from Hatton Park. A modestly proportioned garden is located in front of the dwelling.
- 1.2 The locality is primarily residential in character with a fairly dense provision of dwellings further along the A44 and Hatton Park. A newsagents and hairdressers are directly to the east of the site on the opposite junction of Hatton Park and the A44.
- 1.3 Access to the application site is directly off Hatton Park, 20 metres from the junction with the A44 and opposite the 2 metre high boundary fence of 2 Hatton Park. 2 Hatton Park is set back from the road approximately 15 metres from the vehicular access to 1 Hatton Park and 22 metres from the dwelling it self.
- 1.4 The proposal is for a change of use of the building from residential (C3) to a dental surgery (D1). The only physical alteration to the building would be the replacement of a garage door with a window on the north elevation. A car park for 10 cars would be located in front of the building within the existing garden area. The front hedgerow would be removed and replaced slightly further from the roadside to increase visibility.

2. Policies

2.1 National Planning Policy Framework

Chapters 1, 2, 4, and 8 are referred to throughout this report and are of particular relevance.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

2.2 Herefordshire Unitary Development Plan(HUDP)

- S1 - Sustainable design
- DR1 - Design
- DR2 - Land use activity
- DR3 - Movement
- CF5 - New community facilities

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

2.4 Herefordshire Local Plan Core Strategy

- SS1 - Presumption in favour of sustainable development
- SS6 - Environmental and local distinctiveness
- BY1 - Development in Bromyard
- MT1 - Traffic management highway safety and promoting travel
- LD1 - Landscape and townscape
- SC1 - Social and community facilities

2.5 The Core Strategy has recently been approved by Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

3. **Planning History**

3.1 None relevant

4. **Consultation Summary**

4.1 The Transportation Manager was consulted. A joint site visit was undertaken with the case officer and three written responses were received. The initial response was a no objection but with a concern for visibility in an easterly direction along the A44 at its junction with Hatton Park. It was, however, considered that there was scope to provide requisite visibility splays of 2.4 by 60 metres. Since then, amended plans have been submitted with visibility increased through the setting back of the front hedgerow (plan). The Transportation Manager is content that the visibility splays as proposed are now adequate.

4.2 Economic Development were consulted but no response has been received from the Regeneration Manager

5. **Representations**

5.1 Bromyard Town Council resolved not to support the application on the grounds that "the access onto the A44 is dangerous and the area around the Top Shop is already heavily congested."

5.2 12 letters of objection were received from third parties. The key issues raised were:

- The change of use would inject commercial aspects and related traffic into a residential area along a narrow, private, unadopted road.
- There are already huge traffic / access problems at the junction of Hatton Park and the main road (A44) with all the traffic coming and going from the shop car park and traffic

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- entering and exiting Hatton Park itself. A dental practice will mean there will be a very large increase in traffic using this junction and Hatton Park itself.
- The increase in traffic will lead to an increase in noise and increase danger to pedestrians using Hatton Park, not an insignificant issue bearing in mind the aging population who live in Hatton Park and there being no pavements on which to walk.
- The ability for residents or visitors to park on Hatton Park will be impeded with patients and staff using this area to park their cars if the dental car park is full.
- Changing the use of 1 Hatton Park from residential to commercial use will have a negative impact on the value of properties.
- Allowing this application may well open the floodgates for other requests to be made to change the use of residential properties in the road.
Hatton Park is a residential road and not for commercial access.
- If permission is granted for change of use there will be an increase in danger for children playing in the road.
Environmental damage through the removal of trees and hedgerows.
An increase in noise from increased traffic levels.
The storage of drugs on the premises may attract undesirables.

5.3 2 letters of support were received from third parties. The key issues raised were:

Dentists are full in the area and there is a long wait for appointments.
The dentist would be closer to the homes and school of the supporters
Good asset to the town to have a local dentist
Sited close to public transport links

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The application seeks permission for the change of use of an existing dwelling to a dental surgery. Development relating to new community facilities, which includes the provision of services relating to health needs, is chiefly considered against UDP Policy CF5 which requires such development to reflect the character of the locality whilst being located within the settlement which it would serve. Regard is also had for the amenity of neighbouring residents and highways safety.
- 6.2 The dwelling is of no particular aesthetic merit though it contributes well enough to the make up of the street scenes along the A44 and Hatton Park. It is within an established residential area, although a newsagents and hairdressers are directly to the north-east of the site. The only physical change to the building itself is the replacement of a garage door with a window on the north elevation, though it is proposed to provide a relatively large area of hardstanding to form a car park within the front garden of 1 Hatton Park. The scheme includes a proposal to re-site the hedgerow further into the site to aid with visibility along the A44 (discussed in detail in paragraph 6.7 of this report). It is my opinion that views of the area to the fore of the building would be marginally less as a result of the proposed development given that the hedgerow would be on slightly higher ground and as such, the impact of the hardstanding lessened. Notwithstanding that, a number of buildings along the A44 have a similar area of hardstanding between the building and the highways edge including the newsagents and hairdressers

immediately to the west of the site and a number of dwellings to the east. As such the provision of hardstanding itself would not in my opinion be out of keeping with the site context. The greatest impact on the townscape would be the increased volume of cars being parked between the dwelling and the principal view point along the A44. This would result in a modest impact on the physical character of the locality notwithstanding the provision of a hedgerow.

- 6.3 There is no policy which guards against the loss of a residential unit in this location although a D1 use is not inherently harmonious with the residential use of the surrounding area. Subsequently, as stipulated by criterion 3 of policy CF5, an analysis of the impact on the amenity and privacy of neighbouring residents is required. The applicant has confirmed that the premises would be open from 9-5.30, Monday to Friday and approximately 25 vehicles will access the site per day generating approximately 50 trips per day during the stated opening hours. Currently the site as a residential unit would be accessed by 2 cars, generating approximately 4-8 trips per day. Although noise arising from extra traffic may be noticeable to some residents this would not in my opinion be of a level which would unduly impact on amenity, particularly given the limited hours of operation.
- 6.4 Furthermore, 1 Hatton Park is located at the northern end of the lane, close to the junction with the A44. As such, vehicles looking to access the dental surgery would only travel past 1 dwelling on Hatton Park, namely no.2, which benefits from a tall boundary fence. There is sufficient room at this end of the lane for two cars to pass each other.
- 6.5 There is ample space within the proposed car park for vehicles to enter and leave in a forward gear and parking is provided for up to 10 vehicles. The provision of 10 parking spaces for a dental surgery with two consultation rooms is considered to be acceptable. No more than 5 members of staff would be at the site at anyone time and thus no less than 5 parking spaces would be available for clients, eliminating the need for parking on Hatton Park itself in relation to the use of the proposed dental surgery.
- 6.6 In my opinion the key issue is the potential for development to impede highways safety. Access to the site is off Hatton Park, a narrow unadopted lane which feeds off the A44. The highways concern relates specifically to poor visibility splays at the junction of Hatton Park and the A44. Currently visibility along the A44 is approximately 6 metres to the east, although it is adequate in a westerly direction. Given the aforementioned increase in vehicle numbers using this junction, the existing access is unacceptable and would in my opinion have serious implications for the acceptability of this proposal given the associated increase of traffic movements.
- 6.7 The site occupies a corner plot which fronts on to the A44 and Hatton Park and the hedgerow which limits visibility from this junction is within the identified application site. Having discussed the matter with the Transportation Manager there was considered to be scope to achieve satisfactory visibility splays along the A44 to the east through the removal or alteration of boundary treatments within the application site. This was communicated to the agent who has submitted plans to realign the hedgerow to increase visibility at a point 2.4 metres from the A44 at a height of 0.6 metres. The visibility splay in a easterly direction of the resultant scheme would be approximately 26 metres. Although still not to minimum requirements as set out in the manual for streets, which for a 30 mph limited zone is 43 metres, the resultant splays would represent a vast improvement of the current 6 metre splay. The benefits of improving the visibility splay would not be limited to the proposed development itself. There would be significant wider reaching highways benefits of providing safer egress on to the A44 for all residents along Hatton Park. On balance and having fully considered the Transportation Manager's response, visibility splays from the junction of Hatton Park with the A44 are considered acceptable.
- 6.8 A number of issues were raised in letters of objection from third parties. The previous paragraphs discuss concerns regarding highways safety, residential amenity and impact on

the character of the locality. The Local Planning Authority are unable to consider implications for property values or the possibility that the approval of this application may encourage others to apply for development elsewhere on the lane. Hatton Park is an unadopted road and the access rights of potential staff or clients of the proposed dental surgery to use the road is a civil matter and not for consideration as part of the planning process.

- 6.9 To conclude, I consider the proposal to be suitably located in relation to the settlement which it serves having no undue detrimental implications for the amenity of neighbouring residences. Highway safety concerns, specifically relating to the egress on to the A44, are suitably addressed with the resiting of the roadside boundary hedgerow. Although there would be a modest negative impact on the townscape due to the parking of cars to the fore of the dwelling, I do not consider this concern to hold sufficient weight as to warrant a refusal. As such, the proposal accords with HUDP policies S1, DR1, DR3 and CF5 and the NPPF, with chapters 2, 4 and 8 being of particular relevance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The change of use shall not commence until visibility at the junction between the A44 and Hatton Park has been improved through the resiting of the front boundary hedgerow in accordance with the detail provided on drawing no. 1712-2 rev. b. Nothing shall be planted, erected and/or allowed to grow on the area of land which would be forward of the hedgerow.**

Reason: To ensure that visibility is acceptable from Hatton Park along the A44 in an easterly direction and in the interests of highways safety as required by Policy DR3 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 4. H14 Turning and parking: change of use - domestic**
- 5. F02 Restriction on hours of delivery**
- 6. I16 Restriction of hours during construction**

INFORMATIVE:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

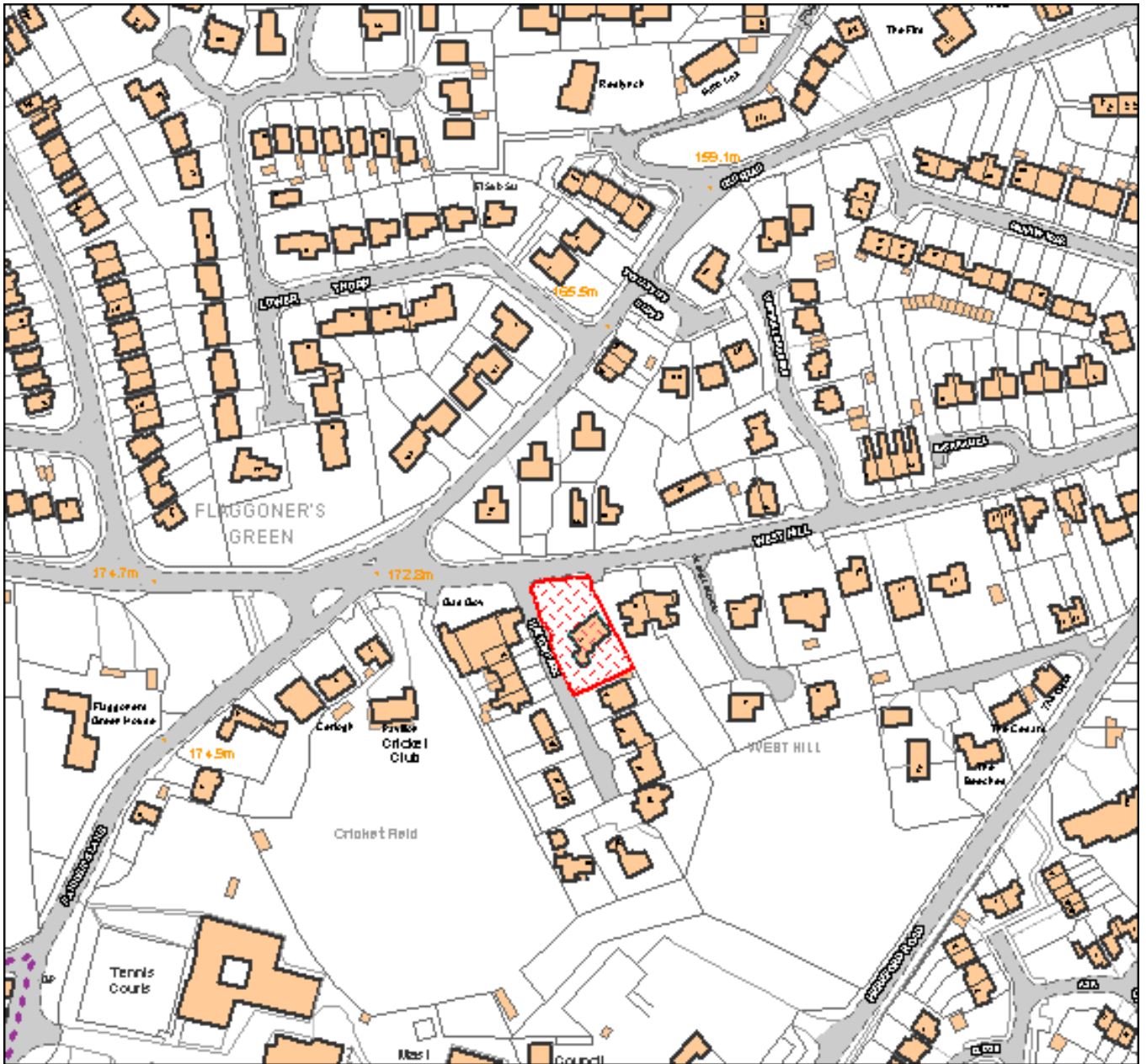
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132588/F

SITE ADDRESS : 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY

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Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795



MEETING:	PLANNING COMMITTEE
DATE:	29 JANUARY 2014
TITLE OF REPORT:	<p>132830/F - SUB-DIVISION OF EXISTING RETAIL UNIT TO FORM SMALLER RETAIL UNIT AND TAXI OFFICE AT UNIT AT THE COOPERATIVE FOOD STORE, GRANDSTAND ROAD, HEREFORD, HR4 9LT</p> <p>For: Rank Taxis per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132830

Date Received: 10 October 2013 Ward: Three Elms Grid Ref: 349180,241968

Expiry Date: 9 December 2013

Local Members: Councillors PA Andrews, EM K Chave and C Nicholls

1. Site Description and Proposal

- 1.1 The application site is located on the edge of the Bobblestock residential estate to the north of Hereford city centre and comprises a vacant A1 retail unit that forms part of the Local Shopping Centre which includes a food supermarket and adjoining newsagent. The unit occupies a corner position with a frontage onto Grandstand Road. Its east elevation faces onto Kempton Avenue, a well used estate road through the Bobblestock estate linking onto Roman Road to the north. To the east and south on the opposite sides of the estate roads is existing residential development.
- 1.2 The proposal is the sub division of an existing retail unit to form a smaller retail unit and an office base for a taxi company (Hereford Rank Taxi Association).

2. Policies

2.1 National Planning Policy Framework

Achieving sustainable development
 Chapter 1 Building a strong, competitive economy
 Chapter 2 Ensuring the vitality of town centres
 Chapter 4 Promoting sustainable transport
 Chapter 7 Requiring good design
 Paragraph 123

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S5	-	Town centres and retail
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
TCR13	-	Local and neighbourhood shopping centres
T8	-	Road hierarchy

2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in favour of sustainable development
MT1	-	Traffic management highway safety and promoting travel
SC1	-	Social and community facilities

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. **Planning History**

3.1 DCCW2000/0068/F – Change of use from A1 retail to A3 hot food takeaway – Refused, Appeal dismissed.

4. **Consultation Summary**

4.1 The Transportation Manager notes the application form states that 4 parking spaces are provided, but these are not contained within the red line of the application site or shown on the drawings. He goes on to express his concern that the proposal will result in the on-street parking of taxis in the area of the junction of Grandstand Road/Kempton Avenue/Sandown Drive to the possible detriment of highway safety. Having noted the Councillor's comments regarding conditions, it is queried whether a planning condition can be applied in this respect and this matter is left to Planning Officers.

5. **Representations**

5.1 Hereford Town Council has no objection providing that no taxis will be parked outside the premises at any time.

5.2 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The key issues for consideration in the determination of the application relate to the policy implications for the partial loss of the existing retail unit on the viability and vitality of the Local Shopping Centre, the highway safety implications and potential impacts on the residential amenity of the otherwise predominantly residential area.

Loss of retail floorspace

- 6.2 The proposal would result in the reduction of retail space from the existing vacant unit which is located within a local shopping centre. Such areas are identified in the local plan retail hierarchy and are situated in residential areas throughout Hereford and the County. They are important to local communities since they provide shops and other services to meet the needs of the local area and offer a particularly important and convenient service for those who are less mobile, especially older people, disabled residents, families with small children and those without access to a car. Local and neighbourhood shopping centres can also serve to reduce the need to use a car for shopping, reducing traffic congestion and contributing to a cleaner environment. It is important however to note that policy TCR13 does not formally protect the A1 retail function but rather to retain a range of local services and facilities.
- 6.3 Having regard to the above policy and having regard to the existing established facilities in this centre; the modest loss of A1 retail space and the creation of a smaller retail unit, it is not considered that there would be an adverse impact on the vitality and viability of the area and furthermore an economically beneficial use would be introduced along with the smaller retail space.
- 6.4 Accordingly it is not considered that there is a fundamental objection to the principle of introducing an office base for the taxi company in this location.

Highway Safety

- 6.5 The taxi office will provide an administrative base (telephone bookings and radio control of drivers) for Hereford Rank Taxi Association and it is made clear in the submission that it would specifically not involve callers, drivers or other customers or members of the public, parking or being picked up or dropped off at the premises. Indeed this is specifically precluded by the company's own rules
- 6.6 It is common for such uses to occupy fringe premises, often rooms over shops or within existing commercial premises. Mini-cab offices do not necessarily have to be accessed by the public or the drivers controlled therefrom, and may require only a tiny operating space, as proposed here. Highway safety issues have been raised as the main area of concern in respect of this application and it is recognised that parking outside these premises, close to two busy road junctions would potentially impede traffic flows and/or create other identifiable hazards, such as pedestrians crossing the road to and from this local shopping area and accessing bus stops. However it is not intended for the proposed premises to operate as a base for taxis but rather a location from where bookings will be taken and drivers will be coordinated. It is advised that the submitted plans confirm that no on-site parking space is provided and there is no provision for dedicated parking on the highway. In this context, and subject to the applicant operating in accordance with the supporting information provided with the application it is not considered that there would be any identifiable change in the current position and no basis to withhold planning permission.
- 6.7 Notwithstanding this assertion, officers have given some thought as to whether conditions could be used to control this. There are however considerable difficulties with applying conditional control over street parking since the appropriate mechanism for controlling this are through Traffic Regulation Orders. In this respect, it is considered that the imposition of

conditions would be inappropriate and not would meet the tests of Circular 11/95: Use of conditions in planning permission, as they would be unenforceable on a highway where there are no existing parking restrictions. Similarly consideration has been given to the potential for inviting the applicant to submit a Unilateral Undertaking to commit to restricting on-road parking. This is not considered practical or enforceable for the same reasons as a condition is not considered suitable.

- 6.8 In view of the assessment set out above, it is considered that the most appropriate means of controlling the use is to condition the use specifically to that which is being applied for and this is reflected in the recommendation below. Subject to the condition it is considered that the proposal accords with Policies DR3 and T8 of the Herefordshire Unirary Development Plan.

Impact on Residential Amenity

- 6.9 Whilst it is not intended or expected that there will be any additional vehicle movements associated with the proposed use, in view of the concerns that have been raised, further consideration has been given to the likely impact on residential amenity. The proposed location is on the busy Grandstand Road, a principal vehicular and pedestrian route from Bobblestock and north Hereford into the city centre, and Kempton Avenue. Furthermore the adjoining supermarket attracts many vehicular and pedestrian movements in its own right such that even if the proposal was for a base for taxis, there already exists a level of activity and ambient noise such that there would not be an impact upon adjoining residential amenity. The risk of late night activity is negated by the office based nature of the proposed use. In view of the existing characteristics of the area, the introduction of an office based use would be compatible and in accordance with Policy DR2 of the Herefordshire Unitary Development Plan.

Conclusion

- 6.10 The proposal is for an office based use, which has operated from other residential locations in Hereford without known problems being identified. The use would entail telephone work, either taking bookings from customers or co-ordinating drivers and as such should not result in any additional traffic movements that would prejudice the continued safe use of the local road network or the living conditions of residents in the surrounding area. Accordingly it is considered that the benefits associated with the occupation of a vacant retail unit, supporting an established local employer are considered to outweigh the perceived concerns regarding on-street parking and as such application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. C01 – Time limit**
- 2. C07 – Development in accordance with approved plans**
- 3. The use of the taxi office shall be restricted to the telephone based booking of taxis and for the radio controlled co-ordination of taxi driver employed by the Hereford Rank Taxi Association and for no other purpose.**

Reason: To maintain control over the nature of the use and to minimise the risk of unacceptable vehicular activity in the vicinity of the premises in the interests of both highway safety and residential amenity in accordance with Policies DR2 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

INFORMATIVE:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

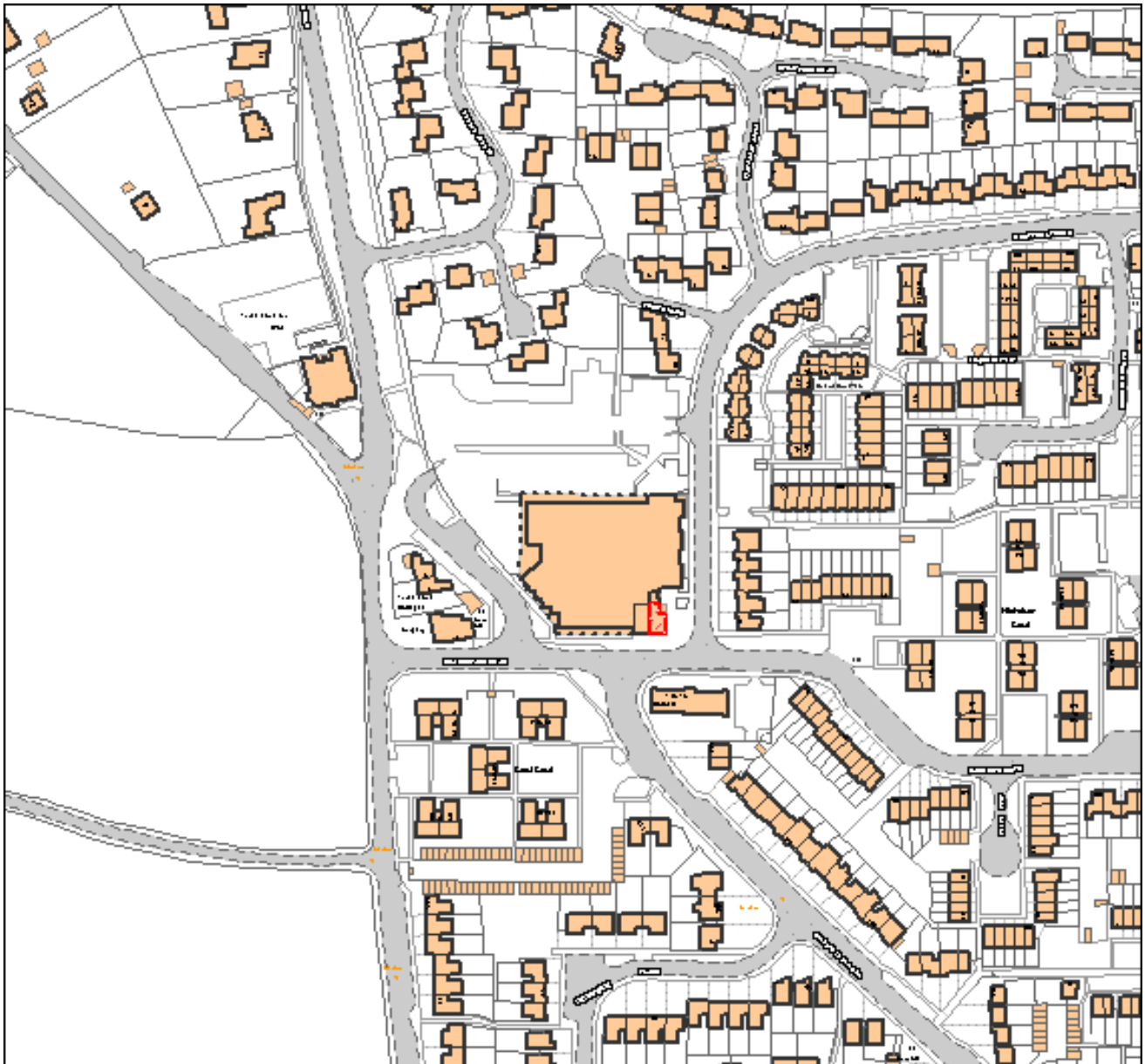
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132830/F

SITE ADDRESS : UNIT AT THE COOPERATIVE FOOD STORE, GRANDSTAND ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LT

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