

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 25th July, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, RBA Burke, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, TM James, P Jones CBE, R Mills, A Seldon, J Stone, K Swinburne and PJ Watts

In attendance: Councillors JE Pemberton

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RC Hunt and RJ Phillips.

44. DECLARATIONS OF INTEREST

Councillor	Item	Interest
WLS Bowen	Agenda item 6, Minute 48 DCNW2007/1214/F - proposed 15 dwellings, garages, parking spaces, amenity area and minor access road on land at Croftmead, North Road, Kingsland	Declared a personal interest.
R Mills & RV Stockton	Agenda Item 14, Minute 56 DCNE2007/1224/F - proposed two storey dwelling for ancillary accommodation at Black Hill, British Camp, Malvern	Declared a personal interest.
ME Cooper	Agenda Item 13, Minute 55 DCNE2007/0966/F - proposed three storey building to provide 13 apartments, with 18 parking spaces and associated cycle parking at land rear of Homend Service Station, The Homend, Ledbury	Declared a prejudicial interest and left the meeting for the duration of the item
PM Morgan	Agenda Item 12, Minute 54 DCNE2007/0729/F - erection of 17 residential units with ancillary car parking on land at Frome Valley Haulage Depot, Bishops Frome	Declared a personal interest.

45. MINUTES

RESOLVED: That the Minutes of the meeting held on 27th June, 2007 be approved as a correct record and signed by the Chairman.

46. ITEM FOR INFORMATION - APPEALS

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

47. APPLICATIONS RECEIVED

The Sub-Committee considered the following planning applications received for the Northern Area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

48. DCNW2007/1214/F - PROPOSED 15 DWELLINGS, GARAGES, PARKING SPACES, AMENITY AREA AND MINOR ACCESS ROAD ON LAND AT CROFTMEAD, NORTH ROAD, KINGSLAND, HEREFORDSHIRE

The Senior Planning Officer reported that amended plans in respect of the highway issues had been received and that less of the hedgerow would be removed.

In accordance with the criteria for public speaking, Mr Thomson spoke against the application and Mr Spreckley, the agent acting for the applicants, spoke in favour.

Councillor WLS Bowen the Local Ward Member had a number of concerns about the application relating to the loss of valuable open space and the density of the proposed development. The site formed part of the Kingsland Conservation Area and he felt that the proposed development would have an adverse impact upon it because the proposed dwellings were completely out of keeping with the style, density and layout of those adjoining. He said that the parish council were also concerned that any future alterations and extensions could exacerbate the problem. Although the site had been originally earmarked for development in the Herefordshire Unitary Development Plan (UDP) he was of the view that it should be retained as a valuable green corridor within the village, or if it was developed that it should be in keeping with the locality and that dwellings should have environmentally friendly values. He was of the view that the application was not in keeping with planning policy HBA9 in this respect. Several Members concurred with these views and the shared the concerns raised by existing residents about drainage and potential flooding.

Councillor Mrs LO Barnett asked about the availability of the land for development. The Senior Planning Officer said that the site had allocated for housing development in the draft UDP but that the owner had not agreed to its release and that the site had been withdrawn. The owner had subsequently had a change of mind and because it was within the development limits of the settlement, it was deemed to be a 'windfall site' for housing.

The Head of Planning Services commented that the scheme was at the lower end of the scale in accordance with Central Government guidance on density and UDP policies. He felt the site should be viewed in relation to the diverse layouts and house types in the Conservation Area as a whole.

A motion that the application should be refused on the grounds of density and impact on the Conservation Area was lost.

RESOLVED

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

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

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

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

2 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 - C04 (Details of window sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of the surrounding area.

4 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of the surrounding area.

5 - Notwithstanding the approved plans no windows will be installed in the first floor western elevations of Plots 2 and 3 as indicated on the approved amended site plan drawing no. 1159.00F.

Reason: In order to protect the amenity of the adjacent dwellings on the western side of the application site.

6 - E16 (Removal of permitted development rights)

Reason: In the interests of the amenity of the surrounding area.

7 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 - The amenity area as indicated on the approved amended plan drawing no. 1159.00F shall be retained as amenity area with no development on site. The existing trees on site shall be retained and the grassland area retained. Full details of a management plan for this area of land will be submitted and approved in writing by the Local Planning Authority before any development commences on site.

Reason: In the interest of the visual amenity of the surrounding area.

- 9 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

Reason: To protect the integrity of the public sewerage system.

- 11 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system to protect the Health and Safety of existing residents and ensure no detriment to the environment.

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

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 13 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

- 14 - G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

- 15 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 16 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 17 - H29 - Secure cycle parking

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informatives:

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

2 - N19 - Avoidance of doubt

Councillors Mrs LO Barnet, TM James and J Stone abstained.

49. **DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE**

The Principal Planning Officer presented the following updates:

Member raised two issues for further consideration – Design and the need for rented / affordable housing. Both of these issues have been fully considered and members can be further updated as follows:

Design

Revised plans altering the design of the proposed dwellings have been submitted and re-consultations have been undertaken. The consultations on the revised proposal expire on the 2nd August 2007. She therefore proposed appropriate changes the recommendation.

Affordable Housing Tenure / Need

In response to members comments that Kington was in need of 'shared ownership' affordable housing rather than 'rented' affordable housing. Further investigation and discussions have been undertaken in order to respond to these queries.

Following this meeting the Councils Strategic Housing Manager has responded as follows:

On Friday 20th July 2007 an information day was held in Kington by Strategic Housing and in Partnership with the Town Council inviting members of the public to come and discuss what housing options were available. Each member of the public was spoken to individually about their options and advised what schemes could possibly be coming forward over the next 12 months. People were also advised about Shared Ownership, Renting from a RSL and what other property purchase schemes were available, such as Homebuy, DIYSO and Festival Property Purchase.

A questionnaire was under taken gathering information about income, what tenure they would be interested in i.e. renting from RSL, Renting Privately, Share Ownership etc.

The outcome of the questionnaires is as follows:

- 10 applicants wanted rented accommodation from RSL
- 3 applicants wanted to purchase a shared ownership property
- 4 applicants asked for rented and/or shared ownership, but when income details were supplied it was questionable as to whether

they would be able to afford to purchase.

Actual figures from The Housing Needs Study shows a need for 34 properties for rent, 7 for shared ownership and 8 wanted to purchase low cost or discounted properties. Strategic Housing no longer negotiate low cost or discounted units as these have proven not to be affordable and would require a discount of approx 50%+.

Home point data shows that there are 103 people in Kington (currently living in Kington) on the common housing register. Of these 103 applicants 77 have stated a preference to stay in Kington.

As you are aware there are three planning applications in planning with an overall total of 46 affordable units. Strategic Housing has negotiated the mix and tenure as follows.

Kingswood Hall Kington 6 shared ownership 6 rented
Old Eardisley Road 5 shared ownership and 11 rented
Maesydari 10 rented and 8 shared ownership

Strategic Housing feels that in light of the evidence supplied via the Housing Needs Study, Home point data and evidence gathered from the Information Day the mix and tenure secured on all three sites is a true reflection of the needs of Kington and would look for the Committee to support the mix and tenure secured.

Additional Correspondence

In response to Members Concerns an additional Letter from Applicants Agent (Savills) has been received which can be summarised as follows:

The changes to the elevations include:

Upper Walls – Horizontal lap untreated larch boarding traditional to Marches Counties. Needs no initial or subsequent staining or maintenance and fades naturally to silver grey colour.

Lower Walls – natural through coloured sand lime render using Bromfield sand to provide a creamy grey colour.

Brick Detailing 0 small area of Marches Handmade clay stock brick around porch and door details.

In relation to the mix of tenure of the dwellings the Association currently propose six shared ownership and six rented as has been indicated by the Housing Strategy. Should members wish to increase the proportion of shared ownership dwellings in determining the application, then the Association can be flexible in include this within the section 106.

Officers Comments

Officers are now fully satisfied that the dwellings in their revised form will be a successful form of development which will improve the existing character and appearance of the site.

With regards to the proposed mix of tenure on the site. Advice has been taken from the Councils Strategic Housing Team who have provided a fully informed opinion of the needs of this particular part of the County. To update this the further meeting was held which appears to reiterate the findings of previous surveys and current date held by Homepoint. It is acknowledge that

'expressions of interest' or a 'desire' to purchase an affordable dwelling may well be frequent, however the ability to be able to 'afford' to buy is sometimes questionable.

As such the proposal to provide a 50/50 split on this site is the conclusion of findings based on factual evidence and will meet the needs for both rented and shared accommodation in the area. As such Officers recommend that no change to the mix of housing to be provided be made.

Councillor TM James the Local Ward Member thanked the officers for their hard work in negotiating a much more favourable scheme. He still had concerns about the extent of rented accommodation when viewed within the context of that provided at Kington and suggested that the development should be comprised of 8 for purchase and 4 for rent. The Head of Strategic Housing Services said that the scheme submitted was had the benefit of a £400,000 grant from the Housing Corporation and that any changes to it would affect this. He also advised that tenants had the right to choose the location of their accommodation now rather have to take what was available. Councillor Mrs JP French said that the recent information day about the scheme had proved to be a great success and that she would like to see a similar approach on future ones. The Chairman said that Kington Town Council had expressed their thanks to the enabling officer about her presentation.

RESOLVED

that subject to no further objections raising additional material planning considerations by the end of the consultation period then;

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

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

A01 (Time limit for commencement (full permission))

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

2 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5 - G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

6 - G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

7 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

8 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

11 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

12 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

13 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

14 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and as assessment of risk to identified receptors.

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

- 15 - The Remediation Scheme, as approved pursuant to condition no (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.
- 16 - Prior to the commencement of development on the site the recommendations set out in the ecological report by Carter Ecological Limited as a result of their survey of the site on 30/05/2007 shall be undertaken and details of mitigation and findings submitted to and approved in writing by the local planning authority.

Reason: To protect the ecological interests of the site.

INFORMATIVES:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN22 - Works adjoining highway
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 7 - N19 - Avoidance of doubt

50. DCNW2007/1179/F - RESIDENTIAL DEVELOPMENT COMPRISING OF 58 DWELLINGS WITH CAR PARKING, NEW ACCESS ROAD AND LANDSCAPING AT MAESYDARI SITE, OFF OXFORD LANE, KINGTON, HEREFORDSHIRE.

The Principal Planning Officer said that no further objections raising material planning considerations had been received at the end of the consultation period. She presented the following updates:

The Councils Conservation Manager made the following further comments on the amended plans:

Following discussions with the developer, the form of the block of flats has been changed completely. It now consists of elements of appropriate scale, details and materials. I recommend acceptance of this approach subject to conditions requiring approval of large scale details of openings, windows, doors and doorcases, eaves, verges and rainwater goods. In addition approval of a sample panel of the stone walling should be the subject of a condition.

The extent of the stone boundary walling to the lane on the conservation area boundary and the changes in the south elevation of the development to show a more interesting roof outline and the use of slate are also significant improvements over the original submission, and, on balance, I consider the scheme to be of an acceptable standard in terms of its impact on the adjacent conservation area

Additional Representations

Mr Kenneth Lewis, 9 Greenfield Drive made the additional extra comments:

There are a number of points I wish to make which I will try to keep brief and itemise.

1. Why did all the officers concerned not recognise or initially determine the objections to the development from members of the locals or community leaders?.

2 Why did the officers not consider the local views as those that, as employees of the Local Authority, they should promulgate and defend?.

3. Why did the Planning Department not carry out its own investigation into traffic matters?

4. Why did the Planning Department accept the Traffic Statement made by Peter Evans Partnership (Transport Planning and Traffic Engineering Consultants) which was submitted by the applicant and therefore likely to be biased in his favour, as any one with any knowledge of traffic problems would see as clearly as daylight that this development will cause serious dangers and disruption?

5. Why was the statement that the effect of extra traffic flow would effect the quality of life due to extra noise (this statement was made by your own environmental officer) for people living locally ignored?

6. In the letter from Drivers Jonas dated 9th July 2007, they state that they contacted the Crime Risk Manager at Hereford Police Station and he has stated that "The long term effect of allowing the development to have general permeability is likely to cause residents an increase in crime and disorder and the fear of crime." Will this be put to the meeting on Wednesday the 25th July inst? If not why not and could I not be allowed to comment on this matter?

7. Has the planning Department contacted Taylor Woodrow's Public Relations Department to ask them to reconsider the whole sorry mess, purchase the land on the old Eardisley Road and take some of the Maesydari development to this site to ease the problems and concerns of the residents.?

8 Has any investigation by the Local Authority taken place as to why the trees were felled before the result of decisions?

9. Should this application be successful, will the Planning Department consider suggesting that the rates of local households should be reduced?
I object to the latest application for car parking for 108 vehicles.

A further letter was received from Mr G Burton who makes the following comments:

Thank you for informing me of the new amended plans. Our opinion, as the owners of the adjacent site to the south, is that the new design for the apartment block is a significant improvement upon the two previous designs. However, I wish to make the following points:

1. There remains an appalling lack of outdoor amenity area available to the residents of 'the block'.
2. The annex to the Design and Access Statement refers to the introduction of a hipped roof but this is not what the revised plans show. Please confirm which is correct.
3. The annex refers to window 'detailing', but these details are not described. What are they?
4. The external brick needs to be chosen with great care and approved by the Conservation Officer. What happened to the stonework walls shown on the approved plans.
5. The site plan refers to 'new stone boundary wall'. This is a very important feature of the design and should be, in my view, fully specified at this stage and approved by the Conservation Officer.

The applicants agent have noted a minor error on the annotations of the apartment block. This should have been Welland rather than Chilver / Kelsey. A new plan amending this type error has been submitted.

Officers Response:

The majority of the issues raised in the letter from Mr Lewis relate to the processing of previous applications and are not material to the consideration of this application. Members are reminded that there is an extant permission for 58 dwellings on this site and this application represents relatively minor amendments to the scheme which are considered to improve the appearance, layout, private amenity space and car parking provision. Other issues raised can be dealt with through the imposition of appropriate conditions.

Councillor TM James the Local Ward Member was of the view that the latest proposals were of considerable improvement over the original scheme. He was considerably concerned however that the Crime Risk Manager of Police had indicated that there may be a danger of an increased risk of crime along the proposed pedestrian links from the southern part of the site into the town. He therefore felt that a decision on the application should be deferred for clarification on this important aspect. The Principal Planning Officer said that further discussions had been held about the proposals with a view to reaching agreement with the Crime Risk Manager. The Area Engineer (Development Control) said that if the routes were more open, lit and adopted they would be acceptable. Notwithstanding this Councillor James felt that the issue should be resolved before a decision was made. The Principal Planning Officer said that the matter could be resolved by the

appropriate conditions and the Sub-Committee agreed with this proposal subject to the Chairman and Local Ward Member being consulted.

RESOLVED

that Subject to conditions considered necessary by the officers in respect of the footpath links from the site, in consultation with the Chairman and Local Ward Member:

the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary and appropriate, and

Upon completion of the above-mentioned planning obligation agreement and negotiations, Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:-

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

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

- 2 - B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 3 - E16 (Removal of permitted development rights)**

Reason: To protect the amenities of adjacent and to ensure a satisfactory form of development.

- 4 - G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 5 - G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

- 6 - G08 (Retention of trees/hedgerows (outline applications))**

Reason: To safeguard the amenity of the area.

- 7 - No development shall take place until an ecological survey, the scope of which shall first be approved in writing by the local planning authority and which shall include a mitigation strategy, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation strategy.**

Reason: To protect the ecological interest on the site.

- 8 - No development shall take place until details of off-site highway works associated with the development hereby permitted, including widening of Prospect Lane and Greenfield Drive footpath connections and installation of improved lighting and re-surfacing works to Prospect Lane and**

Greenfield Drive have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

- 9 - No development shall take place until the details of the highway drains and roads associated with the development hereby permitted, including the works necessary to provide access from the public highway, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

- 10 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 11 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 12 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

INFORMATIVES:

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

51. DCNC2007/0916/RM - THE ERECTION OF 425 DWELLINGS AND THE ASSOCIATED INFRASTRUCTURE, PARKING AND LANDSCAPING AT BARONS CROSS CAMP, CHOLSTREY, LEOMINSTER, HEREFORDSHIRE.

The Principal Planning Officer presented the application and said that those trees which were not worthy of retention or which were not suitable for a residential site would be removed and replaced with those which were deemed more suitable by the officers. He presented the following updates:

Representations

Leominster Town Council have raised a query regarding the bus gate from the application site onto Far Meadow Road and whether the design of this was approved under the outline planning permission. Their opinion on the subject reads as follows:

“Prevention of use of the bus route by unauthorised vehicles would be vital to the comfort and safety of future residents and the only way to achieve this, in my view, would be the implementation of a rising bollard system, radio controlled from the bus. We should not be fobbed off with inferior ‘sleeping policemen’ type traffic calming. There must be an effective discretionary entrance, allowing access by buses as appropriate and emergency vehicles when necessary.

I would be much obliged if you would give your assurance that there will be an agreement between Herefordshire Council and the developers to provide a controlled bus access along the lines outlined above.”

A further letter has also been received from Mr Barker of 26 Far Meadow Road, also referring to the bus gate and requesting that a rising bollard system is used. He further queries whether the route will obstruct access to his garage.

Officer’s Response

Details of the bus gate are contained within the Transportation Assessment that accompanied the outline planning application. The plan shows a solution whereby a ‘pinch point’ of 3.5 metres and a series of priority signs and those advising that access is only for buses and cycles.

The plan does not, in your Officer’s opinion, form part of the outline approval as such. However, the bus gate will be adopted as part of the Section 38 Agreement for the site as a whole and will have to be constructed to an agreed standard. It will also serve as an access for the emergency services and must meet an acceptable standard to them. Advice from the Council’s Senior Engineer responsible for adoption of highways is that this is unlikely to include the provision of a rising bollard system.

With regard to Mr Barker’s comments, the bus gate is contained entirely within the application site and does not obstruct access to the garage to the rear of 26 Far Meadow Road.

In accordance with the criteria for public speaking, Mr Jessop an objector, spoke against the application and Mr Pollock, the Agent acting for the applicants, spoke in favour.

Councillor Mrs JP French one of the Local Ward Members said that the recent public meeting about the application had been very successful and she expressed her appreciation for the very clear and informative presentation by the Development Control Manager. She felt that the meeting was much more effective than staging an exhibition. She said that there had been some concerns raised about traffic routes, cycle routes and bus provision but that this would be subject to an appropriate design by the by the Council’s Transportation Department in consultation with Planning Services and a scheme funded through the planning obligation money of £600,000. She referred to the tree planting proposals and asked for the inclusion of mature trees as well as saplings to be included in the landscaping design. She also felt that further work should be done in respect of the site levels for Phase 5 of the development because of concerns raised about the dominance of the three-storey blocks on the northern boundary of the site. She had concerns about the proposals for surface drainage and the design of the bus gate which needed to be subject to further discussion. She also proposed the removal of permitted development rights and that the above points should be the subject of further discussions between the Chairman, Local Ward Members and the Officers.

The Principal Planning Officer said that appropriate conditions could be imposed about the floor levels of the three-storey flats to meet the concerns raised. The Area Engineer (Development Control) expressed reservations about the maintenance and reliability issues regarding the proposed rising bollards for the bus gate. The Northern Team Leader said that the drainage proposals had been dealt with at outline planning stage and that no problems had been identified. Councillor WLS Bowen was disappointed that the scheme did not include more in respect of environmental issues such as eco-orientation of the dwellings and solar heating, together with individual storage for cycles rather than a communal area.

RESOLVED

that subject to the conditions considered necessary by the officers in consultation with the Chairman and Local Ward Member regarding the withdrawal of permitted development rights, grown trees to be included in the landscape scheme, site levels of the three-storey units in Phase 5, surface drainage and the design of the bus gate:

- 1. The Head of Legal and Democratic Services be authorised to complete a Deed of Variation to the planning obligation under Section 106 of the Town & Country Planning Act 1990 signed under planning application reference DCNC2005/0917/0. The Deed of Variation shall refer specifically to the deletion of the requirement for Local Areas of Play (LAPs) to be equipped.**
- 2. Upon completion of the aforementioned Deed of Variation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to the following conditions:**
 - (i) A09 (Amended plans)
Reason: To ensure the development is carried out in accordance with the amended plans.**
 - (ii) B01 – Samples of external materials.
Reason: To ensure that the materials harmonise with the surroundings.**
 - (iii) C04 - Details of window sections, eaves, verges and barge boards
Reason: To secure the appearance of the development as a whole.**
 - (iv) E09 - No conversion of garage to habitable accommodation.
Reason: To ensure adequate off street parking arrangements remain available at all times.**
 - (v) Landscaping along the southern boundary of the site shall be carried out in accordance with the details shown on Drawing no. ACJ 4851/310 Rev.D received by the local planning authority on 6th June 2007. The approved landscaping shall be carried out in the first planting season following the date of this permission
Reason: In the interests of the residential amenity of adjoining dwellings.**

- (vi) Prior to the commencement of development, details for the provision of water butts shall be submitted to and approved in writing by the local planning authority. The provision shall be for a minimum of 50% of the residential units hereby approved.
Reason: In order to achieve a sustainable form of development.

INFORMATIVES

1. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 10th October 2006. Reference No. DCNC/0917/0. This application for the approval of reserved matters is granted subject to these conditions.
 2. N15 – Reason(s) for the Grant of PP/LBC/CAC
 3. Avoidance of doubt.
52. DCNC2007/1479/F - PROPOSED REAR EXTENSION AND NEW FRONT PORCH AT MIDDLETON FARM HOUSE, MIDDLETON, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4LQ

Councillor J Stone the Local Ward Member felt that the revised application was more acceptable on the grounds of size, and the reduction of overlooking of neighbouring property.

RESOLVED

that planning permission be granted subject to the following conditions

- 1 - A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 - B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
- 3 - C04 (Details of window sections, eaves, verges and barge boards)
Reason: To safeguard the character and appearance of this building.
- 4 - C05 (Details of external joinery finishes)
Reason: To safeguard the character and appearance of this building.
- 5 - Prior to the commencement of the development hereby approved, full details of the alterations to the existing access shall be submitted to, and approved in writing by, the local planning authority. The alterations shall be carried out in accordance with the approved details.
Reason: In the interests of the character and appearance of the surrounding area.
6. A09 (Amended plans)

INFORMATIVES:

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

- 3 - The applicant is advised that the fence shown on the approved plan constitutes permitted development by virtue of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 1995, provided that it does not exceed 2 metres in height.

53. DCNC2006/3893/F - DEMOLITION OF REDUNDANT RACING STABLES AND ERECTION OF 4 NO. 3 BED HOUSES (LOW COST MARKET) TOGETHER WITH 8 PARKING SPACES AT RISBURY RACING STABLES, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ

In accordance with the criteria for public speaking, Mr Vidler the agent acting for the applicant spoke in favour of the application.

Councillor KG Grumbley the Local Ward Member said that the Housing Needs Survey had identified a requirement for 16 affordable homes in the Parish which he felt that this scheme would be ideal to contribute to. He enquired about the criteria for affordable housing and the Head of Strategic Housing Services said that there was limited affordable housing in Herefordshire. Some developments had properties offered at a discount from say £200,000 - £180,000 for a three-bedroomed dwelling but that to be truly affordable based on average wages, they would need to be offered at £110,000. Councillor Grumbley suggested the imposition of a planning obligation so that the dwellings would remain as affordable units and not later sold at full market value. The Principal Planning Officer confirmed that in the majority of Herefordshire's smaller rural settlements, house prices were beyond the means of the average local wage-earner. There were not sufficient properties within the village to meet the potential demand identified by the Housing Needs Survey. Attempts had been made to draft a form of words for a Section 106 Agreement to address all of the issues raised in the comments from Strategic Housing with limited success. An Agreement would have to work on the basis that the applicant must sell the four 3-bedroomed dwellings at a fixed price of £110,320 to persons with a local parish connection. He added that Risbury had no facilities and poor public transport links and was not considered to be a sustainable location for further residential development.

Notwithstanding the views of the Officers, several Members agreed with the Local Ward Councillor that it was difficult to provide suitable accommodation in the rural areas and that an exception could be made to the planning policies within the UDP.

RESOLVED:

- that (i) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any further conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- 1. Section 106 agreement for affordable housing**
 - 2. Scheme for the disposal of surface water and foul drainage**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.**

[Note: Following the vote on this application, the Head of Planning Services said that he would refer the application to the Planning Committee]

54. DCNE2007/0729/F - ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ

In accordance with the criteria for public speaking, Mr Shave of Bishops Frome Parish Council and Mr Owen an objector spoke against the application and Mr Garnham the Agent acting for the applicants, spoke in favour.

Councillor Mrs PM Morgan the Local Ward Member had concerns about the proposed development because of the density and limited car parking which was likely to lead to parking on the roadside causing safety problems for pedestrians and motorists on a busy road. She felt that a scheme with a lower density and better car-parking would be more appropriate for the setting of the area. Councillor Mrs K Swinburne shared the concerns of Mrs Morgan and felt that the hazards created by roadside parking would increase when added to the recent development opposite the site. She also drew attention to the concerns expressed by the parish council and the sustainability issues over children having to travel to school by car.

The Senior Planning Officer explained how the concerns about drainage, footpaths and play facilities would be addressed within the scheme and how it complied with the Council's planning policies. Provision was also included for street lighting and traffic calming. The Head of Planning Services said that the scheme should be viewed in the context of the diversity of house types within the village and that it was an imaginative way of laying out the site.

Notwithstanding the views of the officers, the Sub-Committee felt that the application should be refused because of the concerns raised.

RESOLVED:

that (i) **The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:**

1. **The proposal represents an overdevelopment of the site and an inappropriate density to the village settlement of Bishops Frome. The lack of on-site car parking provision is likely to lead to on-street car parking prejudicial to pedestrian safety and detrimental to the amenities of the occupiers of the dwellings opposite the application site. As such the proposed development is considered to be contrary to policies DR1 and DR3 of the Herefordshire Unitary Development Plan 2007.**

INFORMATIVE

1. **N19 – Avoidance of doubt**

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application in consultation with the Local Ward Member, subject to the reason for refusal referred to above.**

[Note: Following the vote on this application, the Head of Planning Services advised that he would not refer the application to the Planning Committee.]

55. DCNE2007/0966/F - PROPOSED THREE STOREY BUILDING TO PROVIDE 13 APARTMENTS, WITH 18 PARKING SPACES AND ASSOCIATED CYCLE PARKING AT LAND REAR OF HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1DS

The Principal Planning Officer referred to his report and said that in paragraph 2 of the draft Heads of Terms of the Proposed Planning Agreement, the commuted sum towards the provision / enhancement of the children's play space / equipment should be £3,000 and not £1,500 as stated.

In accordance with the criteria for public speaking, Mr Cockburn the agent acting for the applicant spoke in favour of the application.

Councillor PJ Watts one of the Local Ward Members outlined the history of the site and was of the opinion that the scheme was unacceptable because there were an excessive number of dwellings; there would be an adverse impact on the local footpath and highway network; the design and scale of the building was out of keeping with the locality and would adversely impact on adjoining properties. He also felt that the dwellings would suffer from fumes from the petrol station and disturbance from its late-night opening. Councillor Mrs K Swinburne another Local Ward Member also felt that the height of the building was inappropriate; the design was unsympathetic to the surroundings; parking provision was inadequate and footpath provision adversely affected. Overall there would be an adverse impact on a medieval town and landscape area.

The Principal Planning Officer said that the application complied with the Council's planning policies on a number of counts. Whilst Homend Crescent was a pleasant

residential street, there were a range of buildings from various eras with no consistent architectural style or design. The site was not within the Conservation Area or adjoining it. The proposed building was of a contemporary design and would be sited at a lower ground level than Homend Crescent. It would be no higher above ordnance datum than the ridge heights of the dwellings opposite which were situated on the eastern side of Homend crescent. With regard to the transportation matters, the Transportation Manager considered that the local highway network had sufficient capacity to cater with the additional traffic that the proposed development would generate. There were eighteen car parking spaces within the scheme and the site was in a highly sustainable location within easy walking distance of the Town Centre and adjoining facilities. The applicant had agreed that the private right of way through the site could be retained as a permissive route. The height of the petrol station meant that the development would not be readily visible from The Homend. He therefore considered that the proposed development was acceptable and would integrate satisfactorily within the environment.

The Sub-Committee still had reservations about the proposals because of the concerns raised and felt that whereas it may not be too visible from under the petrol station canopy it would be highly visible from elsewhere.

RESOLVED:

that (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

- 2. design and visual impact**
- 3. density**

(iii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application in consultation with the Local Ward Member, subject to the reason for refusal referred to above.

[Note: Following the vote on this application, the Head of Planning Services said that he would refer the application to the Planning Committee]

56. DCNE2007/1224/F - PROPOSED TWO STOREY DWELLING FOR ANCILLARY ACCOMMODATION AT BLACK HILL, BRITISH CAMP, MALVERN, HEREFORDSHIRE, WR13 6DW

Councillor R Mills and RV Stockton the Local Ward Members were of the view that the proposed dwelling was ancillary accommodation to the main dwelling and that because of its design and location, it did not detract from it or have an adverse impact on the rural setting. They felt that Suitable conditions could be imposed which tied it to Blackhill. The Principal Planning Officer explained why the application did not comply with the Council's Planning Policies and that there was a danger that if permitted, the dwelling could be sold separately from Blackhill.

Having considered all the aspects regarding the application, the Sub-committee decided that it should be granted.

RESOLVED:

- that (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any further conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.
1. ancillary to the main dwelling
- (iii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.

[Note: Following the vote on this application, the Head of Planning Services advised that he would refer the application to the Planning Committee.]

57. DCNW2007/1389/F - TWO STOREY EXTENSION AT 15 HATTON GARDENS, KINGTON, HEREFORDSHIRE, HR5 3DD

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

- 4 - E17 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties.

Informatives:

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

58. DCNW2007/1459/F - PROPOSED CONSERVATORY AT THE OAKLANDS, KINGSWOOD, KINGTON, HEREFORDSHIRE, HR5 3HF

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

- 2 - B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

INFORMATIVES:

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

- 2 - N19 – Avoidance of doubt

59. DCNC2007/1675/O - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT AT RYELANDS VETERINARY CLINIC, RYELANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8PN

RESOLVED

that planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 - A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 - A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8 - W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

9 - W02 (No surface water to connect to public system)

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

10 - W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

11 - None of the buildings hereby approved shall be occupied until essential improvements to the public sewerage system have been completed by Dwr Cymru Welsh Water, and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 1st April 2008.

Reason: To mitigate the existing hydraulic overloading of the public sewerage system and ensure the local community and environment are not unduly compromised.

Informatives:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****2 - N19 - Avoidance of doubt****60. DCNC2007/1809/O - DEMOLISH EXISTING BUNGALOW AND SITE FOR NEW TERRACE BLOCK AT 104 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DZ**

In accordance with the criteria for public speaking, Ms Jenman an objector spoke against the application and Mrs Leigh the applicant spoke in favour.

The Sub-Committee noted the concerns raised by the objector and decided that the application should be deferred for clarification about the drainage issues.

RESOLVED

that consideration of the application be deferred pending the receipt of further information from Welsh Water and the Officers about the drainage issues arising from the proposed development.

61. DCNC2007/1873/F - PROPOSED FIRST FLOOR EXTENSION OVER GARAGE AT HUNGRY DEAN, WHITBOURNE, WORCESTERSHIRE, WR6 5SP

The Northern team Leader reported the receipt of the following updates:

Mrs Lewis of Ambermead, 6 Ashpool has sent a letter objecting to the current application and refers to all the reasons given against the previous application:

- impact of application site on quality of light reaching her garden, it blocks the afternoon sunlight, lleylandii hedgerow is 4m 90cm in height and blocks sunlight to garden and ground floor rooms. Proposal will therefore block out the remaining sunlight;
- if lleylandii was reduced in height, the proposed rear window would look directly in to her property;
- the development is unnecessary in light of applicants being elderly and without children, and surplus to requirements;
- proposal affects environment of others; and
- requests that Council protect her interests in respect of the hedgerow in particular, and given that she is now suffering ill health.

In accordance with the criteria for public speaking, Mr Archer spoke in favour of his application.

RESOLVED

that planning permission be approved with the following conditions:

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

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

2 - B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

3 - E17 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties.

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

62. DCNE2007/1658/F - CHANGE OF USE TO A CHIROPRACTIC OFFICE AT 11 THE MEWS, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ

In accordance with the criteria for public speaking, Dr Wilmhurst-Smith spoke in favour of his application.

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

2 - The use hereby permitted shall not be open to customers/patients outside the following times:

- 9am - 6pm Mondays to Fridays,
- 10am - 1pm Saturdays,
- nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of occupiers of surrounding residential properties.

Informatives:

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

2 - For the avoidance of any doubt the plans to which this decision relate are:

- Planning Application Site Plan (Scale 1:1250) received 24 May 2007 and
- Proposed Floor Plan received 24 May 2007.

63. DCNE2007/1497/F - CHANGE OF USE FROM PACKHOUSE TO USE FOR AGRICULTURAL ENGINEERING BUSINESS AT PRIORS GROVE PACKHOUSE, PUTLEY, LEDBURY, HEREFORDSHIRE, HR8 2RE

In accordance with the criteria for public speaking, Mr Hunter of Putley Parish Council spoke in favour of the application.

RESOLVED

that planning permission be granted subject to the following conditions:

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

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

2 - F32 (Details of floodlighting/external lighting)(external lighting)(the use hereby permitted)

Reason: To safeguard local amenities.

- 3 - E06 (Restriction on Use)(agricultural engineering)(B2)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 4 - E16 (Removal of permitted development rights)(no extension or installations of plant or machinery outside the building)

Reason: To retain control over the size of the premises in the interests of protecting the amenities of the area.

- 5 - No goods, plant, material or machinery shall be deposited or stored outside the application site edged in red on the plan received by the local planning authority on 21st June 2007.

Reason: To protect the appearance of the locality.

- 6 - G12 (Planting of hedgerows which comply with Hedgerow Regulations)(around the boundary of the site)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

- 7 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

- 8 - G09 (Retention of trees/hedgerows)(existing trees or hedgerow along the road frontage of the site)

Reason: To safeguard the amenity of the area.

- 9 - The existing pond adjoining the road and shown on the plan received by the local planning authority on 21st June 2007 shall be retained and protected from contamination in accordance with a scheme that shall be submitted to and agreed in writing with the local planning authority before the use commences, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect a water habitat that has the potential to support locally important or protected species.

- 10 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informatives:

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

64. DATE OF NEXT MEETING

22nd August 2007

The meeting ended at 6.15 p.m.

CHAIRMAN

