

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 28th January, 2004**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor J.W. Hope (Chairman)
Councillor J. Stone (Vice-Chairman)

Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton and J.P. Thomas

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<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 17th December, 2003.</p>	1 - 32
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	33 - 36
<p>5. HEAD OF PLANNING SERVICES REPORT</p> <p>To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the northern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.</p> <p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.</p> <p>RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely</p>	37 - 192

disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

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To note the Council's current position in respect of enforcement action for the northern area of Herefordshire.

This item discloses information relating to :

Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

- (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority**
- (whether, in each case, proceedings have been commenced or are in completion).**

Information which, if disclosed to the public, would reveal that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
- (b) to make an order or direction under any enactment.**

Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

7. DATE OF NEXT MEETING

To note that the next Northern Area Planning Sub-Committee will be held on 25th February, 2004 at 2:00 p.m.

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

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

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

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Public Transport Links

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 17th December 2003 at 2:00 p.m.

Present: Councillor J.W. Hope (Chairman)
Councillor J. Stone (Vice-Chairman)

Councillors B.F. Ashton, Mrs L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills, R.V. Stockton and J.P. Thomas, J.B. Williams (Ex Officio).

45. APOLOGIES FOR ABSENCE

Apologies were received from Councillors K.G. Grumbley, R.J. Phillips and D.W. Rule MBE.

46. SENIOR PLANNING OFFICER

The Chairman welcomed Mr A. Sheppard, recently appointed Senior Planning Officer, to the meeting.

47. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
R.M. Manning	Agenda Item 5, Ref. 25 – DCNE2003/3101/F – Change of use to pre-school from Monday – Friday, and football club room from Saturday - Sunday at: The Old Changing Rooms, Ledbury Rugby Club, Ledbury	Declared a prejudicial interest and left the meeting for the duration of this item.

Officer	Item	Interest
Mr M. Tansley	Agenda Item 5, Refs. 2 & 3 – DCNW2003/2267/F & DCNW2003/2268/C – Demolish existing building, erection of new 2 storey dwelling at: The Barn, East Street, Pembridge, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.

48. MINUTES

RESOLVED: That the Minutes of the meeting held on 12th November 2003 be approved as a correct record and signed by the Chairman.

49. ITEM FOR INFORMATION – APPEALS

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

In respect of Planning Application No. NE2002/3901/F (26 & 28 Albert Road, Ledbury), the Principal Planning Officer reported that the Inspector had found that the proposed housing density and the likely impact on the highway were acceptable. The layout to the rear of the property had required further amendments, however, and shortly a further application would be submitted to address this.

RESOLVED: That the report be noted.

50. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of planning applications received for the northern area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**51. ITEM FOR INFORMATION - ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters in the northern area of Herefordshire.

RESOLVED: That the report be noted.

(This item disclosed:

- Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:

(a) any legal proceedings by or against the authority, or

(b) the determination of any matter affecting the authority

(whether, in each case, proceedings have been commenced or are in contemplation).

- **Information which, if disclosed to the public, would reveal that the authority proposes:**
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - (b) to make an order or direction under any enactment.**
- **Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)**

52. DATE OF NEXT MEETING

It was noted that the next meeting would be held on 28th January 2004 at 2:00 p.m.

The meeting ended at 5:00 p.m.

CHAIRMAN

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APPENDIX

Ref. 1
PRESTEIGNE
NW2003/1250/F

Erection of house and garage. Re-roofing over mill pit and formation of new store building adjacent to:

STAPLETON CASTLE MILL, STAPLETON, PRESTEIGNE, HEREFORDSHIRE, LD8 2LS

For: **Mr & Mrs Griffiths per Mr C A Underwood, The Barn, Church Lane, Ravenstone, Leicester LE67 2AE**

In accordance with the criteria for public speaking, Mrs Gill, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Griffiths, the applicant, spoke in support of the proposal.

The local member felt that the application would be further improved by re-orientating the building 90°. She also felt that the lane adjacent to the site should be open to pedestrians only, and that no further development should be permitted on the site.

The Principal Planning Officer said that he would include a note to the applicants stating that only four dwellings would be permitted on the site. In addition, he said that he would discuss with the applicant, issues surrounding access to the lane, and the re-orientation of the building, although these actions could not be made conditions of the planning permission.

RESOLVED: That planning permission be granted, subject to the following conditions, and subject to further discussions with the applicants in respect of pedestrian access only in the lane adjacent to the site, and re-orientating the building:

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 - A06 (Development in accordance with approved plans)
(drawing no. 1/4/2003 received on 8 September 2003).**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

**3 - A12 (Implementation of one permission only)
92/532 dated 16 February 1993.**

Reason: To prevent over development of the site.

4 - B01 (Samples of external materials)

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

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

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 6 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 7 - C06 (External finish of flues)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 8 - D02 (Archaeological survey and recording) (relating to the conservation and treatment of the remaining mill machinery)

Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.

- 9 - Prior to the first occupation of the dwelling hereby permitted the works required by Condition 8 including the construction of the mill pit cover shall be completed in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the archaeological value of the site is preserved.

- 10 - E16 (Removal of permitted development rights) (schedule 2, Part 1 and Part 2)

Reason: To preserve the open character and setting of the proposed dwelling in this historically sensitive landscape.

- 11 F18 (Scheme of foul drainage disposal)

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

- 12- G01 (Details of boundary treatments)

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

- 13 - Prior to the first occupation of the dwelling hereby permitted the scheme for the restoration and landscaping of the former mill ponds and stream received on 20 October 2003 shall be fully implemented in accordance with the details submitted unless otherwise agreed in writing by the local planning authority.

Reason : To conserve the historic character of this sensitive landscape.

- 14- No dredging of the mill pond as part of the agreed restoration works shall be carried out until full details of the means of removal from the site or redistribution within the surrounding area have been submitted to and agreed in writing by the local planning authority. The redistribution of the dredged material shall be carried out in accordance with the submitted details.

Reason: To ensure that the character and appearance of the surrounding area is conserved.

- 15- All construction traffic associated with the construction of the dwelling and mill pond restoration hereby approved shall access the site from the Stapleton Hill access to the north of the application site.

Reason: In order to protect the amenities of the occupiers of nearby properties.

- 16- All vehicular traffic associated with the occupation of the dwelling hereby approved and the property known as Stapleton Castle Court shall access the site from the Stapleton Hill access to the north of the application site.

Reason: In order to protect the amenities of the occupiers of nearby properties.

- 17 - 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.

Notes to applicants :

- 1- A discharge consent under the Water Resources Act 1991 (as amended by the Environment Act 1995) may be required from the Environment Agency and it is the applicants responsibility to ensure that any existing discharge consent conditions are met. For further information please contact Holly Sisley on 01600 772245.
- 2- With regard to the proposed dredging of the mill pond, the applicant is advised that the exportation of waste may be subject to Waste

Management Licensing Regulations. Please contact Holly Sisley at the Environment Agency on 01600 772245 for further advice on this.

- 3 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.**
- 4 It is unlikely that any development on this site above four dwellings will be permitted.**
- 5. The applicant be advised that his use of the private right of way adjacent to Plots 2 and 3 and Ford Cottage should be restricted to pedestrian use only.**

Ref. 2 & 3
PEMBRIDGE
 DCNW2003/2267/F
 AND
 DCNW2003/2268/C

Demolish existing building, erection of new 2 storey dwelling at:

THE BARN, EAST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE

For: **Mr J.A. Price per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire HR5 3DB**

In accordance with the criteria for public speaking, Mrs Palmer, an objector, spoke against the proposal.

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

Some members felt that the applications should be refused because they would set an unwelcome precedent in the area, allowing what was effectively a new building in a relatively open area. The proposal also had a larger footprint than the original, and would be higher, and members felt that it would be out of keeping with the area.

The Principal Planning Officer reported on some minor changes to the report, and made the following principal points:

- Issues relating to gas services and drainage for the proposed property were outside the scope of the planning applications. The owner of Nurses Cottage would be able to object to the relevant authority, in respect of any service provision through her property;
- There was no alternative access to the site. Previously, the owner had attempted to establish an access though a different boundary, but the negotiations had been unsuccessful. The Principal Planning Officer explained that the Sub-Committee was required to consider whether one further dwelling in this location would cause sufficient highway problems to merit a refusal;
- The proposal was located in a Conservation Area, which had also been

designated an important open space. It was within the settlement boundary however, and so was not deemed to be in open countryside. The principle of residential development was acceptable in this location, and other appropriate policies would ensure that no further development was likely on this site. In making a recommendation, officers had taken all material considerations into account, such as the existing presence of the barn and the fact that the footprint was very similar to the original. He added that all permitted development rights had been removed by conditions, and that these factors combined would negate the loss of any open space.

A vote for refusal was lost, and the application was then approved as per the recommendation. Members requested that a note to the applicant be added to the planning permission, stating that no further dwellings would be permitted on the site.

RESOLVED:

DCNW2003/2267/F

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans) (Site plan elevations and floor plans received on 25 July 2003)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

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

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

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

7 - E16 (Removal of permitted development rights)

Reason: To safeguard the open character of the site in recognition of its designation as an Area of Important Open Space.

8 - E17 (No windows in side elevation of extension)(South)

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

9 - Prior to the first occupation of the dwelling hereby approved the existing surface water connection from The Old Post Office to the public sewerage system shall be removed and an alternative private soakaway system shall be installed in accordance with the details to be approved in advance in writing by the local planning authority and thereafter retained.

Reason: To prevent hydraulic overload of the public sewerage system and the pollution of the environment when the foul connection from the approved dwelling is made.

10 - Foul water and surface water discharges shall be drained separately from the site and no surface water or land drainage run-off (either directly or indirectly) shall be allowed to connect to the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and the pollution of the environment when the foul connection from the approved dwelling is made.

11 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

12 - H13 (Access, turning area and parking)

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

Note to applicant:

1 - ND03 - Contact Address

2 - The applicant is advised that proposals for any further residential development of this site are unlikely to be supported in views of its

designation as an Important Open Area (Policy A.25 of the Leominster District Local Plan (Herefordshire) applies in this case).

DCNW2003/2268/C

That Conservation Area Consent 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 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(Note: Councillor R.B.A. Burke requested that his name be recorded as having taken no part in the debate on these applications, and abstaining from the voting on the above decisions.)

Ref. 4
STOKE PRIOR
DCNC2003/1530/F

Erection of four detached dwellings with garages and private drive at:

LAND ADJ TO BELMONT, STOKE PRIOR, LEOMINSTER.

For: Mrs C Shaw per Border Oak, Kingsland Sawmills, Kingsland, Leominster

Members agreed that the site should be inspected on the grounds that a judgement was required on visual impact.

In accordance with the criteria for public speaking, Mr Lefroy-Owen of Humber and Stoke Prior Parish Council, Mr Barker and Mr Bromley, objectors, and Mr Shaw, the applicant, were present at the meeting, and reserved their right to speak on the application until it came back before the Sub-Committee for consideration.

RESOLVED: That consideration of the application be deferred for a site inspection.

Ref. 5
HATFIELD
DCNC2003/2101/F

Change of use for the provision of 17 static caravans, waste treatment plant, reception point, new internal access and landscaping at:

FAIRVIEW CARAVAN PARK, HATFIELD, HR6 OSD

For: Mr & Mrs Morgan per Mr Griffin ADAS The Patch Elton Newnham Gloucester GL14 1JN

The Northern Divisional Planning Officer reported a further letter of support from

Mrs. A. Morgan, Old Hall, Hatfield.

Members decided that the site should be inspected on the grounds that a judgement was required on visual impact.

In accordance with the criteria for public speaking, Mr Standing, an objector, and Mr Griffin, the applicants' agent, were present at the meeting, and reserved their right to speak on the application until it came back before the Sub-Committee for consideration.

RESOLVED: That consideration of the application be deferred for a site inspection.

Ref. 6
BRIMFIELD
DCNC2003/2251/F

**ERECTION OF NEW BUNGALOW IN GARDEN OF EXSTING BUNGALOW AT:
GREYSTONES, WYSON, BRIMFIELD SY8 4NL**

For: Mr W Tong per Mr Hulse MCIOB 48 Gravel Hill, Ludlow, Shropshire. SY8 1QR

Members felt that the site should be inspected on the grounds that the setting and surroundings were fundamental to the determination of the application or to the conditions being considered.

RESOLVED: That consideration of the application be deferred for a site inspection.

Ref. 7
RISBURY
DCNC2003/2883/F

Mobile home to replace existing dilapidated mobile home on same site at:

THE WOODLANDS, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NN

For: **Mr E Clark per Mr J I Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ**

In accordance with the criteria for public speaking, Mr Norris of Stoke Prior and Humber Parish Council, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Harcombe, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Clark, the applicant, spoke in support of the proposal.

The Senior Planning Officer reported some amendments to the report. He confirmed that the application had been recommended for approval because its use had been supported by a Certificate of Lawful Use. He explained that in such instances, the use of the land was a material planning consideration. In response to a point raised, the Chief Development Control Officer stated that any matters relating to the Mobile Homes Act 1983 were not relevant to the planning 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 - No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

3. G11 – (Retention of hedgerows (where not covered by Hedgerow Regulations))

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

Ref. 8
BODENHAM
DCNC2003/2914/F

Proposed extension at:

18 BROCKINGTON ROAD, BODENHAM, HEREFORDSHIRE, HR1 3LR

For: Mr & Mrs M. Walton per Mr N La Barre 38 South Street Leominster Herefordshire HR6 8JG

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) (3 December 2003)

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 - E18 (No new windows in specified elevation) (side elevation)

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

5. Prior to the extension hereby approved first being brought into use the en-suite bathroom window shall be glazed with obscure glass only and thereafter retained as such.

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

Ref. 9
**TEDSTONE
DELAMERE**
DCNC2003/2950/F

Proposed indoor exercise arena (building E only) at land adjacent to:

**TEDSTONE COURT, TEDSTONE DELAMERE, BROMYARD,
HEREFORDSHIRE, HR7 4PS**

**For: Mr S Harrison per Linton Design Group, 27 High Street, Bromyard,
Herefordshire. HR7 4AA**

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 - E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

Notes to applicant:

1 - All wash waters, manures and stable waste shall be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".

2 - Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990.

Ref. 10
TEDSTONE
DELAMERE
 DCNC2003/2952/F

Proposed equine facilities, buildings A, B, C & D only (partially retrospective) at:

LAND ADJACENT TO TEDSTONE COURT, TEDSTONE DELAMERE, BROMYARD, HEREFORDSHIRE, HR7 4PS

For: Mr S. Harrison per Linton Design Group, 27 High Street, Bromyard, Herefordshire. HR7 4AA

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. E11 (Private use of stables only)

Reason: In order to safeguard the residential amenity of the area.

Notes to applicant:

1 - All wash waters, manures and stable waste shall be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water".

2 - Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environment Protection Act 1990

Ref. 11
EDWYN RALPH
 DCNC2003/3002/F

Conversion of stable/former farm office building to residential staff accommodation at:

BLACK VENN, EDWYN RALPH, BROMYARD. HR7 4LU

For: Trustees of the Harry Wolton Settlement per
Mr H Wolton, The Black Venn, Edwyn Ralph, Bromyard. HR7 4LU

The Senior Planning Officer reported an amendment to Condition 2, and said that this would be included in the recommendation.

RESOLVED: That planning permission be granted subject to the following conditions:

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

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

2 - The accommodation hereby permitted shall not be occupied other than by a member of staff employed by the occupants of The Black Venn, and their dependants.

Reason: In order to define the permission.

Ref. 12
BROMYARD
DCNC2003/3230/F

Proposed gas tank at:

DOWNSFIELD COTTAGE, NORTON, THE DOWNS, BROMYARD, HEREFORDSHIRE, HR7 4QH

For: Mrs J Cookayne of same address

Receipt of a further letter from S. Langridge, reiterating concerns about the application's impact on the land and livestock, was reported. The Principal Planning Officer said that she would consult the local member as necessary over the application.

RESOLVED: That planning permission be granted in consultation with the Chairman and the local member, subject to the following conditions:

1 - E16 (Removal of permitted development rights) ('no fences, gates or walls shall be erected')

Reason: In the interests of visual amenities of the area

2 - G09 (Retention of trees/hedgerows) ('existing boundary hedge/trees')

Reason: To safeguard the amenity of the area.

- 3 - Within 2 months of the date of this permission details shall be submitted to and agreed in writing with the Local Planning Authority of the revised siting of the tank. The works shall thereafter be carried out in accordance with the approved details to a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenities of the area.

Ref. 13
LEOMINSTER
DCNC2003/2955/F

Creation of vehicular access at:

65 MILL STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8EE

For: **Mr B Hampsey at same address**

The Principal Planning Officer reported the receipt of amended plans, and she made alterations to the recommendation as a result.

RESOLVED: That planning permission be granted subject to the following conditions:

- 1 - The parking of vehicles on the site shall be in accordance with the amended plans received on 10th December 2003, and shall not thereafter be used for any other purpose than the parking of domestic vehicles.

Reason: in the interest of highway safety and to ensure the free flow of traffic using the adjacent highway.

- 2 - The existing side boundary wall shall be retained and also maintained, and shall not be removed without the prior written consent of the local planning authority.

Reason: To safeguard the character and amenities of the area.

Ref. 14
WIGMORE
NW2003/0630/F

USE OF LAND FOR PARKING OF AGRICULTURAL IMPLEMENTS & CUSTOMER VEHICLE PARKING AT TEME VALLEY TRACTORS LTD, BROAD STREET, WIGMORE, HEREFORDSHIRE.

For: **Teme Valley Tractors Ltd per Mr D R Davies,**
23 Charlton Rise, Ludlow, Shropshire. SY8 1ND

The Northern Divisional Planning Officer reported some minor amendments to the recommendations, and the receipt of further representations from Mr Bingham. He read extracts from the letter. In particular, Mr Bingham had queried why the application was being considered in the absence of a site survey to assess the presence of Great Crested Newts. The Northern Divisional Planning Officer said that the applicant had overcome the need for a survey by agreeing to certain conditions protecting the newts' habitat.

In response to a question, the Northern Divisional Planning Officer said that the Council's Ecologist had visited the site and had not raised any issues relating to the removal of tree stumps, or replanting. He added that the matter would be further investigated, and if there were grounds to remove them, this would be addressed.

RESOLVED: That planning permission be granted subject to the following conditions, and subject to any necessary negotiations/conditions in respect of the removal of tree stumps on the site:

- 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 adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - **D01 (Site investigation - archaeology)**
Reason: To ensure the archaeological interest of the site is recorded.
- 4 - **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.
- 5 - **The areas indicated on the approved plan for agricultural implement storage and customer parking shall be used for this purpose only and vehicles/implements within this area shall not be actively worked upon.**
Reason: In the interests of residential amenity.
- 6 - **Within 3 months of the date of this permission details of the laying out and surfacing of the areas referred to in Condition 5 shall have been submitted to the Local Planning Authority for approval in writing. Use of these areas shall not then commence until these works have been carried out in accordance with the approved details.**
Reason: In the interests of visual amenity and to protect the settings of listed buildings and the Conservation Area.
- 7 - **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 8 - **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 9 - **G10 (Retention of trees)**
Reason: In order to preserve the character and amenities of the area.
- 10 - **There shall be no new buildings, structures (including gates, walls or fences) or raised ground levels within a) 5m of the top of any bank of**

watercourses, and/or b) 3m of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

- 11 - Details of the proposed temporary access over the stream shall be submitted to the Local Planning Authority for approval in writing, prior to the use of the land beyond the stream for storage purposes.

Reason: For the avoidance of doubt and to ensure compliance with Environment Agency Regulations.

- 12 - Work shall only be carried out between 15 March and 10 June in any year.

Reason: Any newts would be safely within the adjoining ponds during this period.

- 13 - Before the development hereby permitted is commenced details of a newt fence shall have been submitted to and approved in writing by the Local Planning Authority. The fence shall be provided in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: In the interests of protection of a protected species.

- 14 - Before the development hereby permitted is commenced details of a watching brief for protected species during construction work shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protection of a protected species.

Note to applicant:

The details required by condition 6 will be expected to show:

A rough grass border, of 2 metres either side of the stream, to be kept and clearly demarcated

The grassed area on the opposite side of the stream to be left as grass

All trees, including the deadwood stump, to be kept in situ.

The left hand corner of the grassland area not to be used to store vehicles, this should also be demarcated.

Ref. 15, 16 & 17
WEOBLEY
NW2003/0703/F
NW2003/1704/L

Construction of 11 new dwellings & conversion/extension of mill into 4 apartments.
&
NW2003/1984/L -demolition of rendered extension at:

AND
NW2003/1984/L

**THE FORMER D.G. GAMES SITE, THE OLD MILL, WEOBLEY,
HEREFORDSHIRE, HR4 8SH**

**For: Kingsmead Trust per Mr N La Barre 38 South Street Leominster
Herefordshire HR6 8JG**

In accordance with the criteria for public speaking, Mr Ware, of Weobley Parish Council, spoke against the proposal.

In accordance with the criteria for public speaking, Mrs Williams, an objector, spoke against the proposal.

The Principal Planning Officer provided the following updates:

- English Heritage had raised no objection to the applications, but had asked for the inclusion of rigorous conditions in respect of construction and materials;
- A letter had been received from Mr Harrison of Dell Cottage, Church Lane, Weobley, requesting an extension to the proposed footway. The Principal Planning Officer commented that this matter had been addressed in Paragraph 6.19 of the report;
- In respect of Planning Application NW2003/0703/F, the Sub-Committee noted that the financial contribution referred to in Paragraph 1 of the recommendation amounted to £22,000. £15,000 of this would be used for additional facilities in the local schools, and £7,000 would be used to enhance recreational playspace in the village;
- The following additional conditions would be included at the request of the Historic Buildings Officer:
 - NW2003/0703/F and NW2003/1704/L – Standard Conditions B05, B08, C04, C09, C15; and
 - NW2003/1984/L – Standard Condition C16.

Members expressed concern about the proposed dwellings, feeling that the applicant had not made best use of the site in terms of quality, design and density. Furthermore, it was felt that the dwellings would not be affordable for local people, that insufficient funds had been allocated for creating and maintaining a play area, and that there might be additional safety issues surrounding the location of the play area.

The Principal Planning Officer reported that the Architect and the Historic Buildings Officer had been closely consulted over design issues, and officers' opinion was that the current design, being set back and rendered, would allow the existing historic buildings to dominate the area. The design had sought to copy the vernacular and would help to preserve the character and merit of the existing buildings. In terms of density, it had been necessary to have regard to the surrounding Conservation Area when seeking the correct balance. The proposed

density would equate to approximately 40 dwellings per hectare, which was well within the acceptable Government guidelines.

The Principal Planning Officer confirmed that the offsite provision of a play area and the surrounding safety issues had been discussed with the Countryside and Parks Department.

The Sub-Committee requested that the applications be deferred for further information about the design, quality and density of the dwellings.

RESOLVED: That planning applications NW2003/0703/F NW2003/0704/L and NW2003/1984/L be deferred for further information in respect of design, drainage, the proposed play area and financial commitment.

Ref. 18
KINGTON
NW2003/2583/F

Proposed erection of a cottage on land to the rear of:

STONEWOOD COTTAGE, OXFORD LANE, KINGTON, HR5 3ED

For: **Mr J Lupton, per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire HR5 3DB**

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 - A06 (Development in accordance with approved floor plans and elevations received on 1 July 2003 and the site plan received on 13 August 2003).

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

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

4 - C04 (Details of window sections)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.

6 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

7 - E16 (Removal of permitted development rights)

Reason: To preserve the spacious setting of the dwelling hereby approved which is within a conservation area and area of important open space.

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

10 - 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.

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 - Foul and surface water shall be drained separately from the site and no surface water or land drainage run-off will be permitted to discharge into the public sewerage system.

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

Notes to applicant :

1 - HN03 - Access via public right of way

- 2 - **HN04 - Private apparatus within highway**
- 3 - **HN05 - Works within the highway**
- 4 - **ND03 - Contact Address Archaeology**
- 5 - **HN02 - Public rights of way affected (adjacent to site)**

Ref. 19
KINGSLAND
 DCNW2003/2583/F

Proposed erection of four dwellings at land to the rear of:

STONELEIGH, KINGSLAND, HEREFORDSHIRE

For: **Mr A.M. and Mrs J. Pugh, per Mr P. Titley, New Cottage, Upper Common, Eyton, Leominster, Herefordshire, HR6 0AQ**

In accordance with the criteria for public speaking, Mrs Maddocks, an objector, spoke against the proposal.

The local member felt that an insufficient visibility splay would be achieved at the access point, due to the retention of a stone pier. He said that this would present an additional traffic hazard at a location where there was already heavy traffic use of the highway, and regular parking. He also felt that the application would have a considerable impact on the surrounding conservation area, and that there might be problems with overlooking of the neighbouring property.

In response to a question, the Northern Divisional Planning Officer reported that a Certificate A had been served. He also confirmed that it was difficult to establish the ownership of some 20 cm (8 inches) of the stone pier due to the thickness of the pen used to draw the boundary line on the plan. It had been proposed that the pier be retained to avoid any ownership issues.

The Sub-Committee agreed that the site should be inspected, using all 3 criteria for a site inspection as referred to in Appendix 13 to the Council's Constitution.

RESOLVED: That consideration of the application be deferred for a site inspection.

Ref. 20
PRESTEIGNE
 DCNW2003/2589/RM

Approval of reserved matters on new key worker's dwelling at:

HIGHFIELD, BYTON, PRESTEIGNE, HEREFORDSHIRE, LD8 2HS

For: **J Rogers & Son, McCartneys, 35 West Street, Leominster, Herefordshire. HR6 8EP**

In accordance with the criteria for public speaking, Mr Hughes, the applicants' agent, spoke in support of the proposal.

Some members felt that the policies of the Herefordshire Draft Unitary Development Plan were not applicable in this instance because it was insufficiently established to carry any weight. Furthermore, they felt that the proposed application was justifiable as a means to perpetuate a local family enterprise.

The Chief Development Control Officer advised that the size of the dwelling should be commensurate with the holding, in line with the occupancy condition in the existing Section 106 Obligation relating to the site. Furthermore, the proposal should satisfy the needs of the enterprise rather than the needs of the individual in accordance with PPG7. He explained that the proposed dwelling was comparatively too large, and should be refused.

Having considered all of the relevant issues surrounding the application, the Sub-Committee was minded to approve it. The Principal Lawyer (Planning, Environment and Transport) reminded members of the referral procedure, applicable in instances when members were minded to determine an application against officer advice.

RESOLVED: That

- (i) **The Northern Area Planning Sub-Committee is minded to approve the application, subject the conditions listed below, and to any conditions 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. A08 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

2. G04 (Landscaping scheme (general))

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

3. G05 (Implementation of landscaping scheme (general))

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

Notes to Applicant:

N09 - Approval of Reserved Matters

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

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(NB the application was not referred to the Head of Planning Services because it was considered that there were no crucial planning policy issues at stake. The application was therefore approved.)

Ref. 21
STAUNTON-ON-WYE
DCNW2003/2807/O

AGRICULTURAL WORKER'S DWELLING AT:

OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7NE

For: Mr & Mrs J.M. & A.E Price per Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire SY8 4NP

The Principal Planning Officer confirmed that he had received a copy of the papers that had been circulated to members recently by the applicants' agent.

In accordance with the criteria for public speaking, Mr Price, the applicant, and Mr Burton, the applicants' agent, spoke in support of the proposal.

The local member was of the opinion that the application was supported by with policies A42 and A43, because it was necessary for the efficient running of the agricultural business. He also felt that there was a case to support the application in accordance with PPG7, because he felt that he business had met the functional test to prove that one or more workers were required on site for most of the day and night.

The Chief Development Control Officer commented that although the functional need for an additional worker had been proven, the need for an additional dwelling was questionable, given that there were already additional buildings on or near to the site, and that there were suitable dwellings elsewhere in the village. He reminded members that a barn conversion on the site had recently been sold, and that this could be used as evidence to support a lack of agricultural need.

Having considered all of the issues surrounding the application, members were minded to approve it on the grounds that a clear case of need for an additional on-site worker had been proven. Members felt that it was particularly necessary in the case of this enterprise, being one of the largest in Herefordshire, and having delicate produce which required regular attention.

The Principal Lawyer (Planning, Environment and Transport) reminded members of the referral procedure, applicable in instances when members were minded to determine an application against officer advice.

RESOLVED: That

- (iii) The Northern Area Planning Sub-Committee is minded to approve the application in consultation with the Chairman and local member, subject to the conditions listed below, and to any**

conditions 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. 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 and to reflect the urgent need for the dwelling.

2. A03 Time limit for commencement (outline permission)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 and to reflect the urgent need for the dwelling.

3. A04 Approval of reserved matters

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

4. A05 Plans and particulars of reserved matters

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

5. 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.

6. F18 Scheme of foul drainage disposal

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

7. Within one month of the occupation of the dwelling the mobile home shall have been removed from the site.

Reason: The need for the mobile home will have ceased.

- (iv) **If the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(NB the application was not referred to the Head of Planning Services because it was considered that there were no crucial planning policy issues at stake. The application was therefore approved.)

Ref. 22
LEDBURY
DCNE2003/2307/F

Two storey extension to existing property at:

29 BRONTE DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2FZ

For: **Mr & Mrs P J Almond, Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA**

It was noted that Mr Boaler, an objector, had registered to speak on this application, but was not present at the meeting.

RESOLVED: That planning permission be approved 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)(received 28th November 2003)

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 - E19 (Obscure glazing to windows)(delete dwelling, insert windows on the east elevation of the extension and western elevation of the original dwelling)

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

5 - E18 (No new windows in specified elevation)(eastern or western elevations of the extension or original dwelling)

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

Ref. 23
COLWALL
 DCNE2003/2798/F

Erection of ten, three bedroomed dwellings with garages site off:

STATION ROAD, COLWALL, MALVERN, HEREFORDSHIRE

For: **Milton Ltd per Mr A H Roper, Dolefield Cottage, Bank Farm, Mathon, West Malvern. WR14 4DX**

The Sub-Committee felt that the proposed density was too high in such a central location, and being in an Area of Outstanding Natural Beauty. Members requested that further negotiations took place with the applicant to reduce the density.

The Principal Planning Officer emphasised that the proposed density fell within the lower requirements of PPG3, and that there were already equivalent densities adjacent to the site and elsewhere in the village.

RESOLVED: That consideration of the application be deferred for further negotiations with the applicant.

Ref. 24
**WELLINGTON
 HEATH**
 DCNE2003/3087/F

Construction of balcony at **FIRST FLOOR AND INFILL GLAZED SCREENS AND DOORS TO EXISTING EXTERNAL WALLS AT:**

WOODFIELDS, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

For: **Mr & Mrs A Blundell per M Davis Greenfield House Church Lane Priors Norton Gloucester GL2 9LS**

Receipt of a letter from the applicants was reported, in which they had proposed an alternative solid hardwood screen on the side of the balcony overlooking a neighbour. The Senior Planning Officer reported that he had received no plans of the screen to date.

RESOLVED: That Subject to the receipt of suitably amended plans relating to the screen along the northern end of the balcony, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission in consultation with the Chairman and the local members, subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - C05 (Details of finish for the balcony)

Reason: In the interest of visual amenity.

Ref. 25
LEDBURY
DCNE2003/3101/F

Change of use to pre-school from Monday - Friday, and football club room from Saturday – Sunday at:

THE OLD CHANGING ROOMS, LEDBURY RUGBY CLUB, LEDBURY, HEREFORDSHIRE

For: **Mucky Pups Pre-school at above address.**

The Principal Planning Officer reported a slight amendment to Condition 2 which would be included in the recommendation.

RESOLVED: That a temporary planning permission be granted subject to the following conditions:

1 - E20 (Temporary permission)(15th December 2004)

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

2 - Flood warning notices shall be erected and maintained in numbers, positions and with wording all to be approved by the Local Planning Authority prior to the commencement of the development. The notices shall be kept legible and clear of obstruction at all times.

Reason: To minimise the flood related danger to people in the flood risk area.

-3 - Prior to the occupation of the development, an Excavation Management Plan shall be submitted to and approved in writing by the

Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

Ref. 26
EASTNOR
DCNE2003/3136/F

New driving elements to be linked into existing tracks in Birchams Wood to be used by Land Rover Experience at:

SHEEP HILL AND HOLTS COPPICE, EASTNOR CASTLE ESTATE, EASTNOR, LEDBURY, HEREFORDSHIRE, HR8 1RD

For: Eastnor Castle Estate per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-On-Wye, Herefordshire, HR9 7LS

The Principal Planning Officer reported the receipt of comments from the AONB Advisory Group. The Group had stated that there would be a minimal impact on the surrounding landscape, and had requested an addition condition to limit the number of vehicles to 20, thereby preserving the visual amenity of the area. The Principal Planning Officer advised that the size of the car park would limit the number of vehicles.

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 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - Prior to the use hereby approved commencing details of the materials to be used to form the new tracks and Holts Matrix shall be submitted for approval in writing by the local planning authority.

Reason: In the interest of visual amenity.

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. NE2003/1119/F**

- The appeal was received on 10th December 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr J Quentin
- The site is located at Land adjacent (west) Briar Croft, Catley, Nr Ledbury, Herefordshire
- The development proposed is Erection of agricultural/general purpose building.
- The appeal is to be heard by Hearing

Case Officer: Russell Pryce on 01432-261795

Application No. DCNC2003/1666/F

- The appeal was received on 11th December 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs J D L Ballinger
- The site is located at Land adjacent to Ladywell Lane, Bodenham, Herefordshire
- The development proposed is Detached 4 bed border oak cottage for holiday accomodation and garage
- The appeal is to be heard by Hearing

Case Officer: Philippa Lowe on 01432-383085

Application No. DCNE2003/2666/F

- The appeal was received on 13th January 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs S Houghton
- The site is located at New Court, Walwyn Road, Colwall, Malvern, Herefordshire, WR13 6QE
- The development proposed is Proposed chalet bungalow
- The appeal is to be heard by Written Representations

Case Officer: Kevin Bishop on 01432-261803

APPEALS DETERMINED

Application No. NC2003/0085/F

- The appeal was received on 11th June 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs M Brookes
- The site is located at Stockton Field, Kimbolton, Leominster, Herefordshire, HR6 0EP
- The application, dated 9th January 2003, was refused on 7th March 2003
- The development proposed was Extension and new vehicular access
- The main issue is the effect of the proposed rear extension on the character and appearance of the appeal property and the surrounding area, having particular regard to development plan policy designed to protect the open countryside.

Decision: The appeal was **DISMISSED** on 11th December 2003

Case Officer: Philippa Lowe on 01432-383085

Application No. NC2003/0415/O

- The appeal was received on 2nd September 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs L Davies
- The site is located at Pound House, Hope-Under-Dinmore, Leominster, Herefordshire, HR6 0PR
- The application, dated 12th February 2003, was refused on 21st March 2003
- The development proposed was Demolition of existing garage/store, erection of bungalow with garage and alterations to vehicular access
- The main issues are (a) the effect of the development on the character and appearance of the locality and (b) the impact of the proposal on the objectives of sustainability.

Decision: The appeal was **DISMISSED** on 12th December 2003

Case Officer: Duncan Thomas on 01432-383093

Application No. DCNC2003/2188/F

- The appeal was received on 23rd October 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non-determination within 8 weeks
- The appeal was brought by Mr G Greene
- The site is located at Stone Barn, Camp Farm, Ivington, Leominster, Herefordshire, HR6 0JY
- The application was registered as valid on 6th August 2003
- The development proposed was Discharge of condition 4 of planning consent reference Number 96/0316/N

Decision: The appeal was **WITHDRAWN** on 18th December 2003

Case Officer: Philippa Lowe on 01432-383085

Application No. NE2002/3637/F

- The appeal was received on 29th May 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non-determination within 8 weeks
- The appeal was brought by R G Gilbert & G M Gilbert
- The site is located at Gilberts Farm, Lilly Hall Lane, Ledbury, Herefordshire.
- The application was dated 20th December 2002
- The development proposed was Erection of a farm dwelling & detached garage.
- The main issues are (a) whether the proposed dwelling is justified and (b) whether the size of the proposed dwelling is reasonable.

Decision: The appeal was **DISMISSED** on 23rd December 2003

Case Officer: Alan Poole on 01432-261782

Application No. DCNE2003/1425/O

- The appeal was received on 2nd October 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr M.A H Duncan
- The site is located at Land adjacent Tile House, Storridge, Malvern, Herefordshire, WR13 5HA
- The application, dated 12th May 2003, was refused on 4th July 2003
- The development proposed was Demolition of litter shed and lock up garages and erection of a three bedroom dwelling with double garage.

Decision: The appeal was **DISMISSED** on 6th January 2004

Case Officer: Russell Pryce on 01432-261795

Application No. DCNW2003/1667/F

- The appeal was received on 16th September 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs J D Lewis
- The site is located at Venmore Cottage, Dilwyn, Hereford, Herefordshire, HR4 8JN
- The application, dated 4th June 2003, was refused on 16th July 2003
- The development proposed was Erection of extension to provide additional living accommodation.
- The main issue is the effect of the development on the character and appearance of the existing dwelling and the surrounding area.

Decision: The appeal was **ALLOWED and planning permission granted** on 13th January 2004 subject to conditions relating to time commencement and materials to match existing.

Case Officer: Simon Withers on 01432-261781

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

NORTHERN AREA PLANNING COMMITTEE

28TH JANUARY, 2004

SITE INSPECTIONS

NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mrs C Shaw	Erection of 4 detached dwellings with garages and private drive at land adj to Belmont, Stoke Prior, Leominster	DCNC2003/1503/F	41 - 49
2	Mr & Mrs Morgan	Expansion of caravan park, waste treatment plant, reception point, new access road and landscaping at Fairview Caravan Park	DCNC2003/2101/F	51 - 56
3	Mr W Tong	Erection of new bungalow in garden of existing bungalow at Greystones, Wyson, Brimfield	DCNC2003/2251/F	57 - 60
4	Mr & Mrs Pugh	Erection of 4 new dwellings on land to rear of Stoneleigh, Kingsland	DCNW2003/2583/F	61 - 65

APPLICATIONS RECEIVED

NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
5	Mr & Mrs Woods	Use of redundant buildings and yard for sale of architectural salvage and antiques at Summergalls, North Road, Leominster	DCNC2003/2959/F	67 - 70
6	Draycott Developments	Erection of 21 apartments (alterations to previous consent NC2000/0051/F) at Linton Court, Worcester Road, Bromyard	DCNC2003/3388/F	71 - 77
7	Mr I Johnson	Continued use of landscaped mountain board centre. Retention of cabin for reception, shop, toilet block, hardstanding, camp site and car park at Woodend Farm, Bromyard Road, Cradley	DCNE2003/2423/F	79 - 91
8	Miton Ltd	Erection of 10 three-bedroomed dwellings with garages at site off Station Road, Colwall	DCNE2003/2798/F	93 - 99
9	Mr & Mrs S Harford	Garage and bathroom extensions to include 2 new dormer windows and first floor balustrade at	DCNE2003/3075/F	101 - 104

		Fairfield, Old Church Road, Colwall		
10	Vodafone Ltd	Installation of 21m slim-line lattice mast with antennas attached and implementation of 2 cabinets and ancillary developments at land adjacent to A4103, Stiffords Bridge	DCNE2003/3181/F	105 – 109
11	Mr & Mrs D & P Bounds	Erection of tree house at The Gouldings, Old Church Road, Colwall	DCNE2003/3185/F	111 – 116
12	Mr & Mrs D Studman	New bungalow and detached garage at The Priory Gatehouse, Worcester Road, Ledbury	DCNE2003/3344/F	117 – 123
13	Mr H Kent	Application under Section 73 to proceed with the development without compliance with condition 15 (planning permission NE2002/2904/O) at site at Rose and Coombe Cottages, Floyds Lane, Wellington Heath, Ledbury	DCNE2003/3437/F	125 – 129
14, 15 & 16	Kingsmead Trust	Construction of 11 new dwellings and conversion/extension of mill into 4 apartments at former DG Games site, The Old Mill, Weobley Demolition of rendered extension at same	NW2003/0703/F NW2003/0704/L NW2003/1984/L	131 – 148
17 & 18	Tabre Developments	Discharge of the obligation to provide for open space as per section 106 agreement at Black Barn Close, Kington Change of use of play area to domestic garden at same	DCNW2003/2576/G DCNW2003/1916/F	149 – 152
19	Mr M Goodwin	Conversion of barn into residential unit with workshop at Upcott, Almeley	DCNW2003/2547/F	153 – 157
20	Mrs Willmett	Replacement of former Methodist Chapel with two bedroom cottage at Methodist Chapel, Bacon Lane, Aymestrey	DCNW2003/2717/F	159 – 162

21	Mr DHG Probert	Refurbishment of Old Laundry Cottage to residential use with workshop and new garage at Old Castle, Kinnersley	DCNW2003/2763/F	163 – 169
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22	Mr DHG Probert	New farm access, existing drive retained for residential use only at Oldcastle, Kinnersley	DCNW2003/2770/F	171 – 174
23	Mr C Williams	Steel framed building to house cattle at Zintec, Down Wood, Shobdon	DCNW2003/2856/F	175 - 178
24	Mr M Perrott	Removal 183 - 186 of condition nos. 3, 7 and 19 of NW2187 - 188001/1318/F at Unit 1, Dairy House, Lower Yatton	DCNW2003/3247/F	179 – 182
25	Mr D Cotterall	Two storey extension and conservatory to dwelling and detached garage at Weston Villa, Gorsty, Pembridge	DCNW2003/3343/F	183 – 186
26	Mr J L Thomas	Retrospective oak framed porch at Candlemas, Kinton, Leintwardine	DCNW2003/3402/F	187 – 188
27	Mr and Mrs S Williams	Site for one dwelling with detached garage at land adjoining Littlebrook Cottage, Lyonshall	DCNW2003/3420/RM	189 - 192

1 DCNC2003/1503/F - ERECTION OF FOUR DETACHED DWELLINGS WITH GARAGES AND PRIVATE DRIVE AT LAND ADJ TO BELMONT, STOKE PRIOR, LEOMINSTER**For: Mrs C Shaw per Boarder Oak, Kingsland Sawmills, Kingsland, Leominster****Date Received:****19th May 2003****Expiry Date:****14th July 2003**

Local Member: Councillor K. Grumbley

Ward:**Hampton Court****Grid Ref:****52178, 56540****Introduction**

This application was deferred at the Northern Area Planning Sub-Committee on 17 December 2003 in order for a site visit to be carried out. The site visit took place on 7 January 2004. Additional information is added to the site history, and Officers Appraisal at section 6.5. Since the site visit amended plans have been received deleting the garages to the proposed houses on plots 1 and 2.

1. Site Description and Proposal

- 1.1 The site is located on the south side of the C1110, to the south east of its junction with the Stoke Prior road and between the village hall at Belmont, a detached bungalow. A public footpath crosses the site. The site is an area of grass keep, 0.249 hectares in area, in an elevated position, and slopes away from the village hall towards Belmont. It is located in the Settlement Boundary of Stoke Prior.
- 1.2 This is a full application for 4 exposed timber framed dwellings a private drive that will run close to the boundary with Belmont with egress onto the C1110. A row of trees is proposed to be planted between the road and the boundary of the site. Foul drainage is to be sewerage is to be disposed of by way of treatment plant with secondary filtration system. The plant is to be sited on a triangular piece of land in the north west corner of the site, between the site entrance and Belmont.

2. Policies

Planning Policy Guidance 3 – Housing

Leominster District Local Plan

A2 – Settlement Hierarchy

A24 – Scale and Character of Development

A54 – Protection of Residential Amenity

A55 – Design and Layout of Housing Developments

Herefordshire Unitary Development Plan (Deposit Draft)

H6 – Housing in Smaller Settlements

3. Planning History

NC2000/3426/O – Residential Development – Approved 7 March 2001.

Outline planning permission has also been granted to replace the village hall with a single dwelling. 89O470, 29 January 1990 refers.

4. Consultation Summary**Statutory Consultations**

Environment Agency – no objection in principle.

Internal Council Advice

Head of Engineering and Transportation – no objection

Public Rights of Way Officer – The proposed development appears to affect public footpath SP9 and will need to be diverted.

5. Representations**5.1 Stoke Prior Parish Council comment on original plans as follows:**

The Parish Council voted unanimously to reject this application. The Council accepts that development should take place on this site, in accordance with the local area plans 'infill' policy but regards this particular application as unacceptable. It considers the application inappropriate, unsympathetic and out of keeping with the surrounding rural area. The Council objects on the following grounds:

- a) Density of proposed development. The erection of four, 4 bedroomed houses on this relatively small site might be appropriate in an urban setting, but it is not in keeping with the low density housing already in this rural area. The village positioning of two storied houses on the hillside would be overpowering to adjacent properties, including the village hall, which are all at lower levels, or bungalows. This would be contrary to LDC Local Plan Policy A23 and Herefordshire UDP DR 1. Two storied buildings would be destructive of the enjoyment of the visual amenity of the natural landscape. A number of other objections arise from the proposed high density of this housing, which would be less acute if a smaller number of lower level dwellings were to be substituted. (see paras 2(iii) and (iv), 3, 4 and 5).
- b) Variance from the original outline planning permission, NC2000/3426/O. The Council has received no amended or adjusted plans between the original outline and this present application, so it presumes that there have been none. The following have been omitted or varied from the outline NC2000/3426/O.

- (i) Para. 6. The vehicular access shall be ...'at a gradient of not more than 1 in 12'. The new application says 1 in 8. Such a steep slope is contrary to highway safety, and would be dangerous to vehicles and pedestrians alike, especially as this is the only egress for wheelchairs and perambulators.
 - (ii) Para. 10. ' A suitable pedestrian footway' is mentioned. The new proposal is for a grassy verge, which would be unsuitable for the elderly, and dangerous to all when wet. No mention is made of maintenance for such a verge.
 - (iii) The original plan mentions a vehicular 'turning point'. There is no turning area on the new plans. The size and number of the houses would indicate a considerable number of parked cars. In the absence of lay-bys or turning areas, delivery vehicles would have to back out of the estate down the 1 in 8 slope into the road, endangering highway safety.
 - (iv) The original plans showed a 'possible area to be allocated for car parking to village hall'. This is missing from the new plans. There could be serious consequences for the village hall. (see para. 5 below).
- c) Storm water/drainage/foul drainage/refuse site. There has been serious flooding in this area in the past, especially at the junction of C1110/1112. The most recent was in 2001. (See correspondence between Mr. Chamberlain of Rectory Gate, and Mr. K. Hewitt of Engineering Services – ref: 20/4/01). Water pouring down the hill and a spring which erupted through the tarmac adjacent to 'The Prill' caused a major road hazard. The increase in run-off from the new development will cause undue pressure to be put on the proposed soak-away system. Additional run-off from the pumping of foul sewage to the proposed treated plant at the top of the site will add to the pressure on the system, contrary to Policy 14 of the Herefordshire UDP, carrying an unacceptable risk to the ground water quality. The layout of the drainage system to the foul sewage collection tank is in such a position to carry the risk of nuisance by smell and plies and pump noise to adjacent existing properties. This also applies to the refuse collection point. There is alleged to be an underground stream beneath the site, which does not seem to have been investigated by the applicant, and this could be affected by the storm and foul water, contrary to LDC Plan Policy A14.
- d) Parking/highway safety. Existing parking areas in the village are minimal. This development would reduce on-road parking space available, in particular that required by visitors to the village hall. (see para.5). The road is narrow and winding, and the probability that parked vehicles may have to occupy both sides of the road would be a serious traffic hazard. The omission of possible parking area for the hall from the new plans makes this all more likely. Further traffic hazards may be caused by the visual splay allowed for the development access. This seems to be inadequate for a derestricted (60mph) road.
- e) Deleterious impact on the village hall. The village hall is the community centre of the area. It is regularly used by a number of local groups; at least three times a week, and other events on a monthly basis, and is vital to the community. The proposed development in this form could result in the loss of existing facilities which contribute to the needs of the community, contrary to LDC Plan Policy CF5. The use of the village hall would be adversely affected as follows:

- i) Parking. As stated above the minimal existing parking would be significantly reduced. If the original outline provision for a possible area of parking behind the hall were re-instated, this would allow it to comply with the forthcoming 2004 Public Buildings legislation to provide access for the disabled. It would also compensate for the loss of on-road parking and would allow the retention of the fire-assembly point (see e (ii) below). Otherwise the parking problem is likely to cause a severe road congestion whenever the hall is in use, and may make it impossible to use the hall for certain events.
- ii) Fire hazards. In accordance with requirements of the Fire Service, the hall has three Fire Exits, for which there are designated Fire Assembly Points. The exit to the rear (south west) of the hall has its designated fire assembly point on the rear of the site for this development. This has been designated for at least 12 and possible 20 years. This area should not be subsumed into the development but retained for use by the village hall as a fire assembly/parking area.
- iii) Other complaints the Council supports includes the loss of light to the hall by proximity of the proposed new buildings.

This development as it stands would make use of the village hall extremely difficult resulting in the loss of amenities/facilities to the community, contrary to HUDP (CF Retention of existing facilities) or LCDP – ‘Development proposals that would result in the loss of existing facilities which contribute to the needs of the community, will not be permitted’.

It is not within the remit of the Parish Council to make recommendations on future development but I am requested by the Council to report to you that it agreed unanimously that if a reduced application were to be submitted for say 2 bungalows and the small area for the village hall parking and fire assembly point were to be re-instated they would regard this as being entirely acceptable.

5.2 Stoke Prior Parish Council comment on amended plans as follows:

The Parish Council objects strongly to planning application ND2003/1503/F (amended plans). It regards the site as being too small for 4 such large two storey dwellings and the majority of its objections arise from this.

The only alterations to the original plans described to the Council would appear to make the situation worse especially with regard to the village hall which is likely to be rendered unusable (see para 2 below). The proposed houses would appear to be designed to occupy an even greater ground space than the original plans which would exacerbate the objections previously raised by the Council.

No mention is made of any proposed changes with regard to the gradients the footpath the turning space the parking areas the height of the proposed properties the overlooking of existing properties the disposal of foul sewage or water the refuse collection point or the road safety hazards. All the Council’s previous objections on these matters apply and are expanded below.

- a) Extension and alteration of the ground plan. The indications are that the repositioning of the proposed properties would have the following effects:

- i) The properties would be even nearer to the village hall especially property 2 which would extend to within a few feet of the boundary. This could present such a hazard to fire safety of the hall as to render it unusable. The rear fire exit would be dangerously obstructed and the fire assembly point eliminated. Gas or oil storage tanks could not be permitted on properties adjacent to the hall because of the fire risk (see para 2 below). The interests of property 2 would be in constant collision with those of the village hall.
 - ii) The reduced garden space around properties 1, 3 and 4 would be likely to lead to attempts to remove existing tree coverage.
 - iii) Plots 1 and 4 extend under the tree canopy.
 - iv) The proposed tree screening adjacent to Belmont would be at a height to tower of the property and deprive it of light.
 - v) The repositioning of properties will cause properties 2, 3 and 4 to overlook Belmont properties 1 and 2 to overlook the village hall from the rear and property 1 to overlook Priory Bank from the rear. This indicates how inappropriate two storey houses would be on this site.
 - vi) The change of position of the exit/entrance drive would put at roof level overlooking Belmont.
- b) Impact on the village hall. This hall is a community centre for the village, regularly used by local groups for social and study purposes. It is the only suitable meeting point in the village and is vital to the community. Such a development would result in the loss of existing facilities contrary to LDC Policy A62 and UDP Policy CF5. The reasons are as follows:
- i) As mentioned above the proximity of the proposed properties could make the hall unusable because of fire risk. To conform with requirements of the Fire Service there are three fire exits for which there are designated fire assembly points. The rear (south west) exit is opposite proposed property 2 and is designated assembly point is on the rear of this development site within the existing field. This has been the designated site for at least 12 years probably longer. This proposed development would make the fire exit unusable and the assembly point would be eliminated. This area should be retained for use by the village hall. It could also be used as a parking area for users of the hall.
 - ii) The reduction of on-road parking on both sides of the road, with serious risk of traffic congestion or accident to vehicles or pedestrians. This would be especially acute where vehicles would have to enter or leave the access derive to the development.
 - iii) If the original planning provision for a possible area of parking behind the village hall were to be reinstated then this traffic problem would be alleviated the fire assembly point retained and the fire hazard threat to the village hall reduced. It would also enable the village hall to comply with the forthcoming 2004 Public Buildings legislation to provide access for the disabled.

- c) The roads and pedestrian safety.
- i) Slopes. There has been no change indicated in the slopes on the development drive. We must assume that 1 in 8 unamended proposal continues contrary to the original application which stated 1 in 12 as the maximum. A slope of 1 in 8 would be contrary to road safety and dangerous to pedestrians and vehicles especially perambulators and wheelchairs as there is only one egress.
 - ii) Pedestrian footway. There is no mention of a proper pedestrian footpath which should be mandatory. The original proposed grassy verge would be unsuitable for the elderly and dangerous to all when wet. No mention was made over the maintenance of such verge. Such a path could not be edged by a sheer bank because of the danger of the slope. Re-alignment of the bank would be essential and could affect property 1 and other parts of the development.
 - iii) Congestion of the site/lack of adequate turning area. The number of vehicles anticipated to be on site (parking originally quoted as being 12) and the lack of any suitable turning area would be a hazard especially for delivery vehicles which would have to back out into the road. Coupled with the reduction in on-road parking space this would be a considerable danger to highway safety.
- d) Sewage and disposal of surface/storm water
- i) Sewage. No mention is made of the siting of the septic tank and the outflow pipes. Have they been altered? If not then the proposed position of the tank is a matter of great concern because of possible nuisance to local properties. The pumping water and spreading from pipes above the development is also a matter for concern because of the down flow of the drainage water through the development. The lay out of the system with the proposed pumping and spraying of run off will add pressure to the system carrying an unacceptable risk to the quality of the ground water contrary to Policy 14 of the Herefordshire UDP.
 - ii) Drainage water. The Council would like to reiterate its concerns over the past flooding in the area especially the junction of C1110 and 1112. Flooding outside of 'The Prill' and storm water pouring down the road caused a major road hazard. The additional pressure that would be put on the soak away system by the run off from the proposed development as mentioned above could only make things worse. The increased area paved on the revised plans could exacerbate the matter further. Has any investigation been made into the reported underground stream below the development? This could be affected by extra run off contrary to LDC Policy A14.
- e) Refuse disposal area. This location no longer appears on the amended plans. Where is it proposed that it should be sited? If it is intended to be in the original position then it carries the risk of nuisance by smell and flies to adjacent properties such as Belmont and The Prill.

The Parish Council finds this application totally unacceptable in its present form contrary to HUDC policy and Leominster Local Draft Plan policy 21.12 February 1996. '...Development opportunities... can only be realised if a solution to the village's parking problems achieved ad a comprehensive foul drainage system is devised. In particular Policy A62 indicates proposal will not be permitted where they would adversely affect community facilities...'

5.3 22 Letters of objection have been received to the original plans. The main planning points raised are:

- a) Access will create a traffic hazard.
- b) Access will be off a dangerous bend in the road.
- c) 4 dwellings are considered excessive for the site.
- d) The lane floods.
- e) Two storey dwellings close to a bungalow would be unreasonable.
- f) Road network in Stoke Prior is narrow and already dangerous.
- g) Drainage problems in the area.
- h) Insufficient land to form proper visibility splays.
- i) A public footpath crosses the site.
- j) There should be no more than 2 dwellings.
- k) The proposal conflicts with Planning Policy Guidance 3 – Housing.
- l) Residential amenity to Belmont would be damaged by the proposal.
- m) The development will restrict the use of the village hall.
- n) The proposal would lead to loss of car parking in the lane.

5.4 14 letters have been received to the amended plans. The main points raised are those referred to above.

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

6. Officers Appraisal

6.1 This site has the benefit of outline planning permission for a residential development, NC2000/3426/O refers. The permission did not restrict the numbers of dwellings. Therefore, the determining factors of this application are those relating to siting and appearance of dwellings and their impact on their locality together with impact on the amenities of the adjoining bungalow at Belmont and the adjoining village hall.

6.2 The application has been amended from the originally submitted proposal, which was for 4 detached dwellings that were of a suburban style that would have been out of character with the prevailing character of the village. The proposal is now for for 4 exposed timber framed dwellings.

6.3 In terms of density, the application is for 4 dwellings on 0.249 hectares of land. Government guidance on housing densities is contained in Planning Policy Guidance Note 3 - Housing and recognises that for the efficient use of land there should be between 30 – 50 dwellings per hectare. This proposal is for 4 dwellings, which equates to 16 dwellings per hectare dwellings, which is well below the Government threshold. Although this is below the recommendations of PPG3 it is considered to be an appropriate number of houses for this site and which reflects the pattern of development found locally. Arguments that the proposal represents an over

development will be difficult to sustain, and is not, in the opinion of Officers, sufficient reason to refuse this application.

- 6.4 In terms of scale of the dwellings, the submitted plans show that the footprint of the proposed dwellings are much smaller than the original proposal and much smaller than Belmont, the adjoining bungalow. Although it is acknowledged that the proposed two storey dwellings are on an elevated site this is not dissimilar to other developments that have taken place elsewhere in Stoke Prior and therefore reflects the general characteristics of the locality. They are also of a style appropriate to the village. As for the impact on the amenities of the adjoining dwelling is concerned Officers acknowledge the ground level of the site is higher than Belmont. However, it is further considered that the orientation of the cottages together with the proposed tree planting the site boundary will not create a development that will give rise to loss of amenity through overlooking or overshadowing.
- 6.5 Access will be off the C1112 with a private drive to serve the 4 dwellings. The gradient of the drive is shown as 1 in 8 which accords with the requirements of the Outline planning permission. Four dwellings off a private drive is an acceptable form of development in terms of the Council's design guidance on highway standards. The visibility splays required to serve a small development of 4 houses can be easily achieved within the limits of the highway without removing hedgerows thereby preserving the rural characteristics of the area. However, visitors to the village hall do park their vehicles on the side of the road and on the grass verge. The Transportation Manager has confirmed that this is highway land, which extends from the centre of the hedges/boundaries either side of the lane; as such parking on the verge could be considered an obstruction. The matter of car parking for the village hall was considered at the time of the Leominster District Local Plan Inquiry when the Parish Council wanted a proposal to be included within the Plan for parking to be provided on land adjacent to the village hall with Leominster District Council using Compulsory Purchase Order powers to bring the site forward. The response from Leominster District Council at the inquiry was there were no resources identified or available and therefore such a proposal was inappropriate. The Inspector agreed and said "in the absence of firm funding sources and commitments, it would be inappropriate to include proposals to facilitate further development which have no realistic prospect of implementation during the plan-period. Thus the identification of proposals for car parking, mains drainage and other services would not improve the Plan and recommended no change be made to the plan." Also, in granting Outline planning permission for residential development on this site there was no requirement for village hall car parking to be provided within the application site. Given this history it is considered unreasonable to require the applicant to provide parking for the village hall.
- 6.6 Mention is made that the development of this site will hinder the social activities/gatherings/meetings at the village hall insofar as fire escape and loss of daylight/sunlight. Insofar as the means of fire escape is concerned, it is understood the PC had an agreement with the previous landowner that when evacuating the village hall people would assemble on the site. However, this agreement is not a material planning consideration in the determination of this application. Consideration has been given to potential loss of sunlight/daylight to the village hall. Any loss of light through the windows that are on the west side of the hall will arise during late evenings in summer months, and late afternoon throughout the rest of the year. While it is acknowledged that 2 of the proposed dwellings will be close to the hall it is not accepted that they are in a position that will give rise to significant loss of light to the village to prevent activities taking place.

6.7 The matter of flooding has been taken up by the Environment Agency who comment the site is outside the Agency’s Indicative Floodplain map. However they further comment that to reduce the effect of new development on flooding it is recommended that the site incorporate Sustainable Urban Drainage (SUDs) techniques and Best Management Practices these may include preventative measures (e.g. rainwater harvesting, recycling, good practice design and maintenance), use of permeable surfaces, soakaways. These though are matters that will be dealt with under Building Regulations.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 Amended plans(21/11/03)

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

3 - B01 (Samples of external materials)

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

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 - 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.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

2 DCNC2003/2101/F - CHANGE OF USE FOR THE PROVISION OF 17 STATIC CARAVANS, WASTE TREATMENT PLANT, RECEPTION POINT, NEW INTERNAL ACCESS AND LANDSCAPING AT FAIRVIEW CARAVAN PARK, HATFIELD, HR6 OSD

For: Mr & Mrs Morgan per Mr Griffin ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN

Date Received:

28th July 2003

Ward:

Hampton Court

Grid Ref:

57683, 59224

Expiry Date:

22nd September 2003

Local Member: Councillor K. Grumbley

1. Site Description and Proposal

1.1 Fairview Caravan Park lies on the north side of the C1059 road to Hatfield. It lies within the historic grounds of Hatfield Court and within an Area of Great Landscape Value.

1.2 The proposal is for the stationing of a further 17 caravans, an office building for reception use and a new sewage treatment plant. The proposal involves the creation of a new access drive through a spur off the existing access to the site together with significant screen planting.

2. Policies

2.1 Leominster District Local Plan

A2(D) – Settlement Hierarchy

A9 – Safeguarding the Rural Landscape

A39 – Holiday Chalet, Caravan and Camping Sites

A54 – Protection of Residential Amenity

A70 – Accommodating Traffic from Development

2.2 Hereford and Worcester County Structure Plan

CTC2 – Areas of Great Landscape Value

E20 – Tourism and Development

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

RST14 – Static caravans, chalets, camping and touring caravan sites

LA2 – Landscape character and areas least resilient to change

LA4 – Protection of historic parks and gardens

2.4 PPG7: The Countryside – Environmental Quality and Economic and Social development
PPG21: Tourism

3. Planning History

74C461 - Site for 13 holiday caravans. Permission granted 11.4.75, expiring 31.12.85.

75C416 - Additional 23 static holiday caravans. Permission granted 23.10.75.

77C532 - Use of holiday caravan as temporary residential unit. Refused 20.7.77.

87C44 - 5 additional caravans and continued use of the site for 13 caravans. Permitted 27.4.87.

93C441 - Use of land for 3 additional caravans. Approved 1.9.93.

97/0132/C - 2 further caravan pitches. Approved 24.3.97.

N98/0105/N - Modification of planning permission to allow caravan site to be open from 16 March to 30 November. Approved 25.6.98.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections subject to the provision of a foul drainage works being approved by the local planning authority.

Internal Council Advice

- 4.2 Head of Engineering and Transport: No objection.
- 4.3 Chief Conservation Officer: Raises concern about the visual impact of the development and compounding the damage already done to the historic park land.

5. Representations

- 5.1 The applicants and their agents have submitted a number of letters in support of the proposal, which can be summarised as follows:

1) The site is currently licensed for 46 caravans, only 45 are presently used. Expansion to 62 pitches is more commercial in size.

2) Wish to extend occupation from 16 March to 30 November to 1 March to 31 January inclusive, i.e. closed Februarys.

3) Caravan park was purchased 2 1/2 years ago and needs upgrading to make it viable.

4) Manufacturers are producing ever larger caravans which need to be accommodated when owners replace older ones.

5) Wish to achieve 5* status by creating new access, reception and improved layout with facilities for disabled.

- 6) Do not consider the proposal to be visually intrusive.
- 7) The new treatment plant will serve the new caravans plus 22 of the existing.
- 8) The existing access is shared with Hatfield Court and a number of converted barns.
- 9) Planting is proposed to minimise the visual impact generally and in particular to the lodge.
- 10) The proposal has policy support in UDP policies RST13 and RST14, PPG21, PPG17, PPG7 and PPG13.

5.2 In addition in response to the concern about landscape impact consider that:

1. For the proposed expansion site to be detrimental to the landscape there would have to be a significant change in the character and fabric of the landscape compared to what is there now, and we do not consider that the expansion creates such a change.
2. The existing site is more visible from the viewpoint than the proposed site. The proposed site as amended is largely behind existing tree planting and the proposed additional planting further screens the area.
3. 'Substantial earthworks' will not be involved to create areas for the caravans. Caravans have adjustable supports to accommodate sloping ground.
4. We are not proposing an access road, but an un-metalled track 3m wide that follows the contours and it is tucked in behind new hedge planting for much of its extent.
5. The reference is 'too large in scale' we feel is unfair, as it is an established aim of Caravan Tourism Sites to have less dense caravan sites. Larger areas allow for planting within sites.
6. The revised scheme and landscaping proposed does make the site acceptable in the context of it being an established site – we are not applying for a new site, but to extend an existing site, at a lower level than the existing site.
7. Landscaping is a subjective issue, and the applicants ask that Members view the site from the identified viewpoint.

5.3 The Parish Council has a few concerns regarding this application. These are:

- 1) The visual impact on surrounding areas.
- 2) Is the road suitable for extra volume of traffic which will be generated?
- 3) The UDP (proposed) is still in draft form and has not been adopted and therefore is irrelevant to this application.
- 4) The caravan site should be restricted to a 10 1/2 month opening time, not for 12 months of the year.

5.4 Objections have been received from the following residents:

Mr. and Mrs. Bufton, The Lodge, Hatfield
Mrs. A. Harcourt, Little Sherrington, Pembridge
T. Kray, The Mill, Hatfield
Mr. E. Hughes, Lower Bilfield Farm, Hatfield
Mrs. C. Morgan, Coach House, Hatfield Court
T.J., Mrs S.E., A.J. and G. Bishop, Court Farm, Hatfield
Mr. and Mrs. W. Qualter, Old Stable House, Hatfield Court
B.J. and J.J. Bufton, Foxhalls, Hatfield
S. Perrett, Beech House, Hatfield Court
R.A. and S.R. Standing, Three Shires Cottages, Hatfield Court

The objections are summarised as follows:

- 1) More vehicles passing close to The Lodge cause more detriment to amenity through noise, dust and fumes. Additional planting close to the boundary will make the garden and property even darker.
- 2) Roads are narrow in places with few spaces for 2 vehicles to pass.
- 3) Additional screen planting is not sympathetic to the landscape. The site is very visible from Grafton Road and from the Public Right of Way at Rock Cottage.
- 4) Caravans are largely self-sufficient with little benefit to the local economy.
- 5) Will it provide local employment?
- 6) Pollution to the stream from the sewage treatment plant.
- 7) The new access drive would spoil the approach to the site which has already 2 existing drives, the new drive being provided at a higher ground level.
- 8) Permission should not be granted for 12 months licence.
- 9) This is not a farm diversification scheme since the applicant is not a farmer.
- 10) Devaluation of property.
- 11) Already sufficient holiday lets in the area.
- 12) Many of the caravans are not used.
- 13) No benefit to local residents of this additional intrusion.

5.5 Letters of support have been received from:

J. & J. Chapman, Barn Cottage, Hatfield
Mrs. Morgan, Green Gables, Bodenham
Mrs. L. Burke, The Haven, 7 Hopyard Gardens, Leominster
Stephen Morris, Cherrydean, Boraston, Tenbury Wells
Mr. and Mrs. Lloyd of Westfield, North Road, Kingsland
Mrs. A.L. Morgan, Old Hall Farm, Hatfield, Leominster

In summary:

- 1) No problem caused by the caravan park.
 - 2) It does not impinge on the enjoyment of the countryside.
 - 3) We should provide support for local businesses.
- 5.6 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This proposal requires a balanced judgement of the policies supporting tourism and local business uses against those of the protection of the countryside, of amenity of nearby residents and traffic issues.
- 6.2 As the Head of Engineering and Transportation has no objection to the proposal it is considered that there are no sustainable reasons for refusal on traffic generation or highway safety grounds. Furthermore, it is not considered that the additional traffic movements associated with 17 caravans, an increase of just over a third of the existing number, will be so detrimental to amenity of local residents that permission could be refused on this ground.
- 6.3 It would appear that the most critical issue is one of landscape impact. The site is currently visible from a number of locations around the locality and sits on elevated ground in comparison to the main approach road to the site. The application includes significant woodland planting both within the extended caravan site area and along the new driveway and close to The Lodge, in an attempt to reduce this impact. Notwithstanding this proposed planting scheme, which would take a number of years to mature, it is considered that the proposal would be detrimental to the visual amenity of this part of the Area of Great Landscape Value. It is not considered that local employment benefits outweigh this concern.
- 6.4 Policies referred to in the Deposit Draft of the UDP are subject to objections against those policies. Consequently, no weight can be given to those at this time. This includes that seeking to protect unrequested historic parkland.
- 6.5 As a consequence, the proposal is considered to be contrary to Policies A39 and A9 of the Leominster District Local Plan and Policy CTC2 of the Hereford and Worcester County Structure Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

It is considered that the proposal would be contrary to the visual amenity of this part of the Area of Great Landscape Value. Consequently the proposal is considered to be contrary to Policy A9 and A39 of the Leominster District Local Plan (Herefordshire) and CTC 2 of the Hereford and Worcester County Structure Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**3 DCNC2003/2251/F - ERECTION OF NEW BUNGALOW
IN GARDEN OF EXISTING BUNGALOW AT
GREYSTONES, WYSON, BRIMFIELD, SY8 4NL****For: Mr W Tong per Mr Hulse MCIOB 48 Gravel Hill,
Ludlow, Shropshire, SY8 1QR****Date Received:****25th July 2003****Ward:****Upton****Grid Ref:****52016, 67931****Expiry Date:****19th September 2003**

Local Member: Councillor J. Stone

Introduction

This application was deferred at the Northern Area Planning Sub-Committee on 17 December 2003 in order for a site visit to be carried out. The site visit took place on 7 January 2004.

Since the site visit, amended plans have been received showing a combined vehicular entrance to serve the proposed bungalow and Greystones, and with the entrance to Greystones being closed so as to provide a passing place. The amended plan does not include dedicating a place for children to congregate awaiting school buses.

1. Site Description and Proposal

- 1.1 Greystones, a detached bungalow, is located on the north-east side on the junction of Wyson Lane with the unclassified 94421. The site is bounded by a stone wall.
- 1.2 The application site is the garden on the west side of Greystones.
- 1.3 The proposal is for a 3-bedroomed bungalow and new entrance onto Wyson Lane. The entrance is to be positioned adjacent to the vehicular access to Greystones.

2. Policies

- 2.1 PPG3: Housing
PPG25: Development and Flood Risk
- 2.2 **Leominster District Local Plan (Herefordshire)**

A1 – Managing the District's Assets and Resources
A2 – Settlement Hierarchy
A15 – Development and Watercourses
A24 – Scale and Character of Development
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

S3 – Housing
DR1 – Design
H4 – Main Villages: Settlement Boundaries
DR7 – Flood Risk

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objections to the proposed development.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection subject to conditions.

5. Representations

5.1 Brimfield Parish Council: No objections.

5.2 Ten letters of objection, including a petition with 22 signatures, have been received. The main points raised:

- a) It is on a blind junction.
- b) The area floods.
- c) It is close to a school bus stop where people congregate.
- d) Inadequate sewage system.
- e) The road network is already very busy. This application will make the situation worse.

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

6. Officers Appraisal

6.1 The site is located in the settlement boundary of Brimfield as shown on Inset Map 26 in the Leominster District Local Plan (Herefordshire), where small-scale development will be permitted subject to the criterion listed under Policy A1: Scale and Character of Development, Highway Safety, and impact on the area and neighbours. The site is also shown to be in a flood plain.

6.2 The site is located in the western half of the village where housing development has spread along several minor roads and lanes, including Wyson Lane. This pattern of development forms the character of the area. The proposal, for a single bungalow in the garden of Greystones, continues this principle and will maintain the built characteristics of the area.

- 6.3 Access to the site will be off Wyson Lane, close to the entrance to Greystones. In order to obtain good visibility, the stone boundary wall along the boundary to Wyson Lane will need to be reduced in height to 750mm above the level of the adjoining carriageway. This, together with a set back entrance will allow traffic travelling Wyson lane to see vehicles emerging from the site and vice versa. In terms of highway safety this is considered acceptable.
- 6.4 While the site is shown to be within a flood plain, the Environment Agency has raised no objection advising the site lies within Zone 1/2. These zones, PPG25 advises are suitable for most developments in that they offer little or no risk/low medium risk to flooding. However, surface water disposal should be disposed of by preference through the use of sustainable drainage methods that limit flows from infiltration, e.g. soakaways or infiltration trenches, subject to establishing that these are feasible through Building Regulations. They also note that foul drainage will be disposed of to a public sewer.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans) (30 October 2003)**

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

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

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

- 4 - H01 (Single access - not footway) (5 metres)**

Reason: In the interests of highway safety.

- 5 - H05 (Access gates) (5 metres)**

Reason: In the interests of highway safety.

- 6 - H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

- 7 - H12 (Parking and turning - single house) (2 cars)**

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

- 8 - H27 (Parking for site operatives)**

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

9 - H08 (Access closure)

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

Notes to applicant:

- 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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCNW2003/2583/F - PROPOSED ERECTION OF FOUR DWELLINGS AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, HEREFORDSHIRE.**For: Mr AM & Mrs J Pugh per Mr P Titley, New Cottage, Upper Common, Eyton, Leominster, Herefordshire, HR6 OAQ****Date Received:**
22nd August 2003**Ward:**
Bircher**Grid Ref:**
44786, 61448**Expiry Date:**
17th October 2003

Local Member: Councillor S. Bowen

1. Site Description and Proposal

- 1.1 This application for 4 detached dwellings lies on a site to the rear of property known as Stoneleigh on the north side of the B4360 road in Kingsland. The main body of the site measures approximately 88m x 32m, is a former orchard and lying within both the Kingsland Conservation Area and the Settlement Boundary as identified on the inset map in the Leominster District Local Plan.
- 1.2 Access to the site is via a modified existing access on the east side of Stoneleigh. To the east and west boundaries of the site lie relatively modern residential cul-de-sac. The development is proposed in a linear form with plots 1 – 3 inclusive facing east whilst plot 4 faces south, namely the end elevation of plot 3. Beyond the northern boundary of the site lie open fields.
- 1.3 Plots 1 – 3 are for 3 bedroomed dwellings measuring approximately 10m x 6.8m excluding the single attached garage the ridge height is approximately 7.7m. Plot 4 is for a 4 bedroomed 'L' shaped property with attached double garage with a similar ridge height. All 4 properties have a gable element on the front elevation to add interest to the design. It is proposed to finish the dwellings with a slate roof and render finish.

2. Policies**Leominster District Local Plan**

Policy A2(c) - Small Scale Development within Defined Settlement Boundaries
Policy A18 – Listed Buildings and their Settings
Policy A21 – Development within Conservation Areas
Policy A24 – Scale and Character of Development
Policy A54 – Protection of Visual Amenity

Herefordshire Unitary Development Plan (deposit draft)

Policy H4 – Main Villages
Policy H13 – Sustainable Residential Design

Policy H15 – Density
Policy HBA4 – Setting of Listed Buildings
Policy HBA6 – New Development within Conservation Areas
Policy HBA7 – Demolition of Unlisted Buildings with Conservation Areas

3. Planning History

No planning history on this site.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water – no response.

Internal Council Advice

4.2 Chief Forward Plans Officer advises that the proposal does not meet the density requirements of Planning Policy Guidance Note 3 of 30 dwellings per hectare. The adjoining sites are approximately 17 dwellings per hectare the proposal site is only 13 dwellings per hectare.

4.3 The Chief Conservation Officer advises that there is room for improvement in terms of the design particularly of the rear elevations, however main concern relates to the loss of hedging and stone walling giving a sense of enclosure a significant feature in the Conservation Area character assessment. However, subject to appropriate conditions it is not considered that the proposal warrants refusal on conservation grounds.

4.4 Head of Engineering and Transportation recommends conditions.

5. Representations

5.1 In response to other representation the applicant's agent advises that all of the application site lies within his client's ownership and has submitted Land Registry details to this end. Furthermore, the amended plan as submitted showing retention of the stone pier on the west side of the access.

5.2 Parish Council state 'not approved inappropriate access'.

5.3 Objections have been received from:

G.E. Randall, 4 St Michael's Avenue, Kingsland

P. Harry, 5 St Michael's Avenue, Kingsland

P. Evans, 3 St Michael's Avenue, Kingsland

E. Pugh, 6 St Michael's Avenue, Kingsland

J. Bruce, Stoneleigh, Kingsland

Mr. & Mrs. Maddocks, 8 Orchard Close, Kingsland

Lady Alethea Eliot, The Old House, Kingsland

C. & J. Davies, 9 Orchard Close, Kingsland

J. Cooper, Garden House, Orchard Close, Kingsland

The objections can be summarised as follows:

- a) The plans are inaccurate.
- b) Nos. 4 & 5 St Michael's Avenue are over a metre closer to plots 2 & 3 than shown.
- c) The footway is 1.55m wide not 1.8m.
- d) Trees to be felled are not shown.
- e) The proposal would lead to loss of light from no. 4 St Michael's Avenue.
- f) Lead to overshadowing of no. 3 St Michael's Avenue.
- g) Overlooking of adjacent properties even at 21m distance with a resultant loss of privacy and amenity.
- h) Over-development of the site.
- i) Access onto the B4360 would be dangerous to both the large number of pedestrians and vehicles.
- j) It is close to an area where cars park on the road visiting the Angel Inn.
- k) Loss of orchard and wildlife habitat.
- l) Change of character of the centre of the village.
- m) Part of the application site is in the ownership of Stoneleigh.
- n) The application is invalid, as no Certificate B has been served.
- o) Loss of mature hedge and stone wall.
- p) The dwellings are not in keeping with the surroundings which are brick and tile construction.
- q) Lack of turning room on site for large vehicles.

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

6. Officers Appraisal

- 6.1 As the application site lies within the residential infill boundary for Kingsland there is no objection to the principle of residential development of the site. Whilst the density of development is slightly less than that of the surrounding area and considerably less than that required by Planning Policy Guidance 3 access restrictions are such that any more than 4 on the site would be unacceptable.
- 6.2 As regards access the owner of Stoneleigh on the road frontage has raised concern about ownership including part of the stone pier on the west side of the access. The application has consequently been amended to retain the stone pier in doing so slightly realigning the proposed driveway to the east. (Planning permission does not convey rights over third party land).
- 6.3 Concern has been expressed that the proximity of the dwellings to the rear boundary i.e. the west boundary would give rise to problems to loss of amenity and privacy to properties in St. Michael's Avenue. Usually back to back distances of 21m are sought. However, whilst plots 1 – 3 show the dwellings situated at approximately 11m from the boundary, properties in St. Michael's Avenue are closer than this. It is not considered that at a distance of approximately 11m to the boundary, there is unreasonable overlooking from plots 1, 2 and 3 nor that permission could be reasonably withheld because properties in St. Michael's Avenue are closer than 10m to their own boundaries. It is not considered that unreasonable loss of privacy or amenity will result to other residential properties adjoining the site.

- 6.4 In terms of the impact on the Conservation Area, the proposed dwellings cannot be unfavourably compared to other modern developments to the east and west. With the imposition of appropriate conditions the design of the dwellings is considered to be acceptable. Furthermore, with the requirement to rebuild a stone wall at the access point it is not considered that the loss of existing stone wall or hedge is so detrimental to the character of the Conservation Area that permission could reasonably be withheld on that ground. Similarly there is no objection to the demolition of the storage building adjacent to the eastern boundary. There are areas identified within the settlement boundary which are to be protected as open areas. This however is not one of those areas and there is no particular policy requiring retention of an old orchard.
- 6.5 Access arrangements for the site are considered to be acceptable.
- 6.6 On balance therefore it is considered that the proposal, subject to the following conditions, is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

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

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

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

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 5 - C05 (Details of external joinery finishes)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 6 - D01 (Site investigation - archaeology)**

Reason: To ensure the archaeological interest of the site is recorded.

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

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

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

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

9 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

10 - H03 (Visibility splays)(insert 2m x 30m)

Reason: In the interests of highway safety.

11 - H05 (Access gates)(insert 5m)

Reason: In the interests of highway safety.

12 - The first section of the new roadway to the rear of Stonleigh shall be not less than 4.5m wide.

Reason: In the interest of highway safety.

13 - Before the development hereby permitted is commence details of the replacement stone wall and piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these plans prior to occupation of any of the dwellings.

Reason: In order to protect the character of the Conservation Area.

Notes to the Applicant:

- 1 - ND03 - Contact Address**
- 2 - HN01 - Mud on highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCNC2003/2959/F - USE OF REDUNDANT BUILDINGS AND YARD FOR SALE OF ARCHITECTURAL SALVAGE AND ANTIQUES AT SUMMERGALLS, NORTH ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 0AB

**For: Mr & Mrs R.J. Woods per David Taylor
Consultants, The Wheelwright's Shop, Pudleston,
Leominster, Herefordshire HR6 0RE**

Date Received:
30th September 2003

Ward:
Leominster North

Grid Ref:
49188, 60000

Expiry Date:
25th November 2003

Local Member: Councillors Brig. P. Jones CBE and Mrs. J. French

1. Site Description and Proposal

- 1.1 Summergalls is located on the west side of the B4361 and to the north of the River Lugg. There is vehicular access into the site off the B4361. It is located outside the town boundary of Leominster, in open countryside.
- 1.2 The proposal is for the change of use of land and buildings to architectural salvage and antiques. 12 parking spaces are proposed to be located in the south east corner of the site.

2. Policies

PPG7 - The Countryside - Environmental Quality and Economic and Social Development.

Leominster District Local Plan (Herefordshire)

- A1 Managing The District's Assets And Resources
A15 Development And Watercourses
A36 New Employment Generating Uses For Rural Buildings

Herefordshire Unitary Development Plan (Deposit Draft)

- E10 Employment Proposals Within or Adjacent to Rural Settlements
E11 Employment in the Countryside.
DR7 Flood Risk

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency - no objection.

Internal Council Advice

4.2 Head of Engineering and Transportation - no objection.

5. Representations

5.1 Leominster Town Council state 'Recommend refusal, as Council expresses concern over the following ;

1. Potential pollution of the River Lugg Drainage Channel alongside the site, by run-off from the site. A wide range of salvage/reclaimed materials will contain a wide range of potential pollutants.

2. Impact upon the visual amenity.'

5.2 The applicant has said :

a) The site is little used. The existing structures are empty.

b) The application is to use the land as an architectural salvage business, which will include garden antiques (bird baths, sun dials and benches) antique building materials (doors, floorboards, flagstones and beams) antique bathroom items. The items to be sold will be for the most part be salvaged but some may be locally crafts reproductions.

c) I am a member of Salvo.

d) Initially little alterations will be required to the site beyond tidying it up and improving the visual impact.

e) This is farm diversification.

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

6. Officers Appraisal

6.1 Summergalls is located outside of the town boundary of Leominster, in open countryside and within a floodplain.

6.2 Although the site is located in the open countryside Policy A36 deals with new employment generating uses for rural buildings. The Policy recognises the value of rural buildings in providing or supplementing employment uses, subject to the building being of permanent or substantial construction so as not to require rebuilding. The site consists of a large portal framed building in the north east corner, which is to be used for the display, storage and sales, and open sided buildings alongside the southern boundary, close to the River Lugg are to be used for display and storage purposes only. In terms of their construction the buildings are considered appropriate in size and construction for the proposed use – storage of reclaimed building materials, without the need for external storage.

- 6.3 Although the site is located in a floodplain the Environment Agency has raised no objection to this application. In doing so they have said that the storage of artefacts will be minimal compared, for example, to any enclosed new building or structure in this location.
- 6.4 The site has vehicular access onto the B4361 with good visibility in both directions. The Head of Engineering and Transportation considers that the proposal will not cause a nuisance to other road users and accordingly has raised no objection to this application.
- 6.5 In conclusion it is considered that the proposal meets the criteria in Policy A36. However, to ensure that the proposal does not affect the viability and vitality of the town centre the proposal should be limited to that of building and reclamation materials only.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 - There shall be no open storage of reclaimed building materials.
Reason : In the interests of the visual amenity.**
- 3 - H15 (Turning and parking: change of use - commercial)(12 cars)
Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.**
- 4 - The use of the site shall be restricted to the sales and storage of reclaimed building materials only and for no other purpose.
Reason: In order to define the permission. The local planning authority would not be prepared to permit unrestricted retail sales in this location.**

Note to the applicant:

- 1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan (Herefordshire) set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

- | | |
|------------|---|
| A1 | Managing The District's Assets And Resources |
| A15 | Development And Watercourses |
| A36 | New Employment Generating Uses For Rural Buildings |

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**6 DCNC2003/3388/F - ERECTION OF 21 APARTMENTS
(ALTERATIONS TO PREVIOUS CONSENT
NC2000/0051/F) AT LINTON COURT, LINTON,
BROMYARD, HEREFORDSHIRE, HR7 4QJ**

**For: Draycott Developments per Mr D Scott,
Dudbridge House, Selsley Hill, Stroud, Glos, GL5 5JS**

Date Received:
11th November 2003

Ward:
Bringsty

Grid Ref:
66979, 54122

Expiry Date:
6th January 2004

Local Member: Councillor T. Hunt

1. Site Description and Proposal

- 1.1 Linton Court lies on the south side of the A44 Worcester Road to the east of Bromyard. The eastern boundary of the site lies adjacent to the unclassified 65212 road whilst the south-west boundary, completing the triangular shaped site, runs along the top of an old railway cutting. The site lies within an Area of Great Landscape Value.
- 1.2 The area to be developed lies to the south of the existing range of 3 storey apartments the area of ground is partly grassed and part is used as a temporary car park which was established after the demolition of the original building.
- 1.3 The current application is for the re-design of the building, the mix of sizes of apartments, access arrangements and landscaping. The main difference between the proposed building and the existing approved scheme is an increase of 1 metre in the width of the main body of the new building which runs east - west across the site. The distance between the proposed building and the new extension will remain unchanged as will the height of the proposed building.
- 1.4 The proposal provides for the erection of a 3-storey building linked to the existing building on site in much the same style and scale as the existing 3-storey element of the building. It comprises 21 apartments made up of 12 one bedroom and 9 two bedroom apartments.
- 1.5 The proposal also includes a landscaping scheme and rearrangement of the existing parking layout on the site and the opening up of a new access to the south of the existing opening. A total of 79 spaces is provided for the existing 32 flats made up of 26 one-bed and 6 two-bed properties and the proposed 21 new units.

2. Policies

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside

Housing Policy 11 – Affordable Housing for Local People in Rural Areas

Housing Policy 12 – Major Housing Development

Housing Policy 17 – Residential Standards
Landscape Policy 1 – Development outside Settlement Boundaries
Landscape Policy 3 – Development in Areas of Great Landscape Value
Landscape Policy 8 – Landscape Standards
Transport Policy 8 – Car parking and Servicing Requirements
Recreation Policy 24 – Recreational Open Space Standards
Recreation Policy 25 – Recreational Open Space Provision
Recreation Policy 26 – Maintenance of Open Public Space and Children’s Play Areas

Herefordshire Unitary Development Plan (Deposit Draft)

DR1 – Design
H7 – Housing in the countryside outside settlements
H16 – Car parking
H19 – Open space requirements

PPG3 – Housing
PPG7 – The Countryside – Environmental Quality and Economic and Social Development

3. Planning History

MH3392/89 - Conversion of the former Bromyard Hospital into residential flats for rental and sale. Approved February 1990.

MH2157/90 - Extension of the former hospital to provide an additional 9 flats to bring the total to 50. Approved January 1991.

MH94/1653 - Demolition and rebuilding of existing 3-storey building to accommodate 21 apartments (Phase 3). Approved February 1995.

NC99/1808/F - Erection of 8 dwellings to replace planning permission for 21 flats. Application withdrawn September 1999.

NC2000/0051/F - Renewal of planning permission MH94/1653. Approved February 2000.

NC2000/2371/F - Erection of 18 no. 1-bed flats, 8 no. 2-bed flats and 14 no. 3-bed flats. Refused 10 January 2001. Appeal dismissed 4 October 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent: No objection subject to the imposition of conditions requiring satisfactory drainage provision.
- 4.2 Welsh Water: No objection subject to the imposition of conditions requiring satisfactory drainage provision

Internal Council Advice:

- 4.3 Head of Engineering and Transportation: Recommends that any permission be subject to conditions
- 4.4 Archaeology: no objection
- 4.5 Environmental health: no objection

5. Representations

- 5.1 Parish Council- No objection, but draw attention to the visibility of the proposed access.
- 5.2 In support of the revised scheme the applicants agents has submitted a design statement in which it is stated that the current application improves the aesthetics, the mix of sized of apartments, access and landscaping. It is said to be a development that achieves the most efficient use of land (in accordance with PPG 3 objectives).

It is considered that the alterations to the scheme bring a number of benefits as follows:

Design: improvements have been made to the south elevation of the building, giving a positive frontage rather than the flat face presented in the approved scheme. The positioning of the entrances give better access to the car parking and children's play area. the materials used will be render and natural slate.

Housing Mix: the inclusion of 2 bedroom units will give a better social mix.

Access: the access position is improved giving better visibility and reducing the number of trees being removed.

Car Parking: the car parking has been improved by making better use of existing hardstanding reducing the amount of open space being taken up.

Landscaping: will be enhanced by the retention of existing trees and the enhancement of landscape within the development.

- 5.3 Eleven standard letters of objection have been received from the occupiers of Flat nos. 6, 30, 29, Linton Court, and also from Rose House, Union Cottage, Rock Cottage, Fernhill, Cuppressus Cottage, Yew Tree Cottage, Hopcote Cottage and Southview Linton. Letters have also been received from the occupiers of Flat nos 21a, 34 Linton Court. Their objections are summarised as follows:

- Proposal further magnifies the negative effect of the existing building
- Will adversely affect 'rural' community
- Additional traffic movements will increase probability of further accidents
- Not clear from submitted plans the extent of changes
- Original planning permission justified in terms of providing accommodation for nearby school
- Proposal will result in loss of sunlight to existing flats
- Proposed addition will put courtyard into shadow
- Proposal will result in worse disabled access from the designated car park

- Existing residents won't be able to supervise children any more, whilst they are using grassed area.

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

6. Officers Appraisal

6.1 The proposal clearly seeks to provide new residential development in, what is in policy terms, open countryside. Housing Policy 4 seeks to restrict such development in all but exceptional circumstances. These circumstances are set out in Housing Policy 11.

6.2 The existence of the extant planning permission, ref. NC2000/0051/F, is however clearly a material consideration.

6.3 In respect of the impact of the proposal in an Area of Great Landscape Value, regard must be had to Landscape Policies 1 and 3. The site is clearly visible when approaching from the east and from the unclassified road on Bromyard Downs and a judgement needs to be made of any additional harm compared to the existing approval.

6.4 The current scheme has been amended, as set out in in particular in paragraphs 1.3 and 5.1, from that originally permitted in 1994 and most recently renewed in 2000. A number of benefits have been identified in terms of the revised scheme to be set against the increased size of the building.

6.5 The opportunity is available through the current application to replace existing poor quality boundary hedging with native species and provide other structural landscaping around the site. This would be considered to further the aims of the Herefordshire Biodiversity Action Plan The revised siting of the access allows the retention of a number of mature trees previously shown for removal, and the revised car parking minimises the loss of existing open space around the buiding..

6.6 Given the mix of units on the site, it is likely that there will be a low occupancy rate by children in the proposed flats. There will be informal recreation space available within the site and The Downs, adjacent to the provides further accessible open space. As such it would be unreasonable to insist on the full standards being met for children play space provision. The layout and maintenance of the proposed and existing open space will however form part of a detailed landscaping scheme.

6.7 The proposed development will take place in a sensitive landscape setting, however it is not considered that the revised scheme will materially harm the character or appearance of the area when compared with the extant permission, which to date has not been implemented. A number of further minor revisions have been sought with the current application regarding position and size of windows and finish details to ensure suitable comparison with the approved scheme.

6.8 Subject to receipt of suitably amended plans, the recommendation is one of approval, subject to a time limit condition, reflecting the sensitive nature of the site.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - This permission shall expire on 17 February 2005.

Reason: The site is located in an area of open countryside where residential development is contrary to policy and not normally permitted. This permission is granted as an amendment to planning permission NC2000/0051/F.

- 2 - A09 (Amended plans)

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

- 3 - B01 (Samples of external materials)

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

- 4 - G04 (Landscaping scheme) ('... shall include full details of open space provision, together with an indication of ...')

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

- 5 - G05 (Implementation of landscaping scheme)

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

- 6 - Prior to the commencement of the development hereby approved details of the siting and treatment of the drying area, bin storage and cycle storage shall be submitted to and approved in writing with the local planning authority. The works shall thereafter be carried out in accordance with the approved details prior to the first occupation of any of the units hereby approved.

Reason: To ensure a satisfactory and well planned development in the interest of amenity of the area.

- 7 - The future maintenance of the open space and landscaping shall be in accordance with a scheme and timetable to be submitted to and agreed in writing with the local planning authority prior to the occupation of any of the units hereby approved.

Reason: In order to ensure the satisfactory maintenance of the site and to protect the visual amenities of the area.

- 8 - F18 (Scheme of foul drainage disposal)

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

- 9 - There shall be no discharge of foul or contaminated surface water from the site into either the groundwater system or any surface waters. Foul water should be directed into the main sewerage system provided the adequate capacity for such additional flows is available.

Reason: To minimise the risk of pollution of rivers and watercourses and other surface water.

10 - H03 (Visibility splays) (4.5m x 60m) (add 'unless otherwise agreed in writing with the local planning authority')

Reason: In the interests of highway safety.

11 - H05 (Access gates) (5m)

Reason: In the interests of highway safety.

12 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

13 - H08 (Access closure)

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

14 - H12 (Parking and turning - single house) (within the site for 33 cars)

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

15 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

16 - H27 (Parking for site operatives)

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

17 - 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.

Notes to applicant:

1. N15

**Malvern Hills District Plan
Housing Policies 4 & 17
Landscape Policies 1, 3 and 8
Transport Policy 8
Recreation Policies 24, 25 and 26**

2 - HN05 - Works within the highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**7 DCNE2003/2423/F - CONTINUED USE OF
LANDSCAPED MOUNTAIN BOARD CENTRE.
RETENTION OF CABIN FOR RECEPTION, SHOP,
TOILET BLOCK, HARDSTANDING, CAMP SITE AND
CAR PARK AT WOODEND FARM, BROMYARD ROAD,
CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5JW**

For: Mr I Johnson of above address.

Date Received:
26th August 2003

Ward:
Frome

Grid Ref:
70166, 48695

Expiry Date:
21st October 2003

Local Member: Councillor R. Manning

Members will recall that this planning application was deferred from the November Northern Area Planning Sub-Committee to enable the applicant to justify further his case for a full planning permission rather than a temporary permission recommended.

The applicant has now submitted an extensive letter, the main justification for a full permission is as follows:

'The reason we need full planning permission is to obtain funding and grant assistance. You claimed in the meeting of the 12 November that no grants should be needed as the centre is established and as such no further expenditure should be required. Clearly much infrastructure remains inadequate. I would like to improve parking, install proper toilets and showers in the campsite, facilitate the disabled (buggy already being tested for paraplegics!). DEFRA has money available for promotion and I would like to set up a transport system to bring youngsters, who would otherwise lack the means, to Out To Grass. I would also like assistance with the cost of shrubs, trees and landscaping at the centre. Furthermore, BP will assist to further reduce the environmental impact of the centre by supplying equipment to use sustainable energy sources. AND MORE.

Please do not concern yourself with regard to and building works etc. I am well aware that further planning permission will need to be sought before any work of this kind is undertaken.

Once again I apologise for my late application. I am keen not to have you fighting against Out To Grass, it is very dear to my heart as are my team and the other lads and lasses who benefit so clearly from it.

If I can achieve the grants available I will make the centre better for the team, for the customers, for the council and for the Burdens.. I promise.'

Your officers are supportive of the proposal but are concerned that when there is a National Championship at the site it is suitably controlled in order to protect the amenity of nearby residents. Previous events have caused problems and a further temporary permission will enable condition 11 to be tested to ensure it is suitably robust. Provided it adequately

controls the events, and your officers are hopeful, a permanent permission, all things being equal could then be forthcoming next year. Although this means a delay of 12 months it would also enable your officers to work with the applicant to help secure the permanent permission if it proves appropriate to do so, and also discuss the future developments of the site.

ORIGINAL REPORT

1. Site Description and Proposal

- 1.1 Woodend Farm, Cradley is located on the western side of the B4220 Bromyard to Worcester Road, Ridgeway, Cradley.
- 1.2 Tom's Field in which this proposal is located is set to the north of the farm holding. It abutts the Bromyard Road to the east, Evesbatch Road to the north and open fields to the west and south. Lane Cottage is sited immediately to the north of the field across the Evesbatch Road. The field slopes down from east to west and contains a number of earth mounds and portacabins. A recently sited temporary skateboard ramp is located adjacent to the portacabin.
- 1.3 The proposal, which is retrospective, is to continue using the field as a mountain boarding centre with campsite together with retention of the portable building used as a reception, shop and toilet.
- 1.4 Mountain boarding is a combination of snowboarding and skateboarding. The boards on which the participant rides are similar in size to a snow board however they have wheels attached akin to a skateboard. The sport requires jumps within the runs to enable the 'boarder' to 'free-style' down the course. The only exception is the slalom run where like ski-ing the 'boarder' weaves in and out of poles. The field is laid to grass and the 'runs' are located across, generally running down the slope from east to west. With the exception of the slalom course all of the 'runs' have been made with earthworks creating the jumping platforms that are required for the sport.
- 1.5 Access to the site is off the existing farm entrance and then across an adjoining field. The reception area and car parking are located in the southern most part of the field in a natural hollow.
- 1.6 A previous temporary permission for use of the site as a mountain boarding centre expired on 13 February 2003.

2. Policies

PPG24 – Noise and Planning

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

A1 – Development in Agricultural Land

A2 – Diversification

LR1 – Leisure and Recreation Development

LR2 – Leisure and Recreation Development

CTC2 – Areas of Great Landscape Value

CTC9 – Development Requirements

Malvern Hills District Local Plan

Employment Policy 9 – Further Means of Rural Diversification

Landscape Policy 3 – Development in Areas of Great Landscape Value

Landscape Policy 4 – Agricultural Land

Landscape Policy 8 – Landscape Standards

Transport Policy 11 – Traffic Impact

Recreation Policy 3 – Recreation in Other Countryside Areas

Unitary Development Plan

S1 – Sustainable Developments

S2 – Development Requirements

S8 – Recreation, Sport and Tourism

E11 – Employment in the Countryside

E12 – Farm Diversification

RST1 – Criteria for Recreation, Sport and Tourism Development

3. Planning History

- 3.1 NE2001/0022/F - Change of use and landscaping works to create mountain boarding track, retention of reception shop, toilet block, hardstanding carpark and campsite - Refused 30 October 2001.
- 3.2 NE2002/0021/F - Change of use and landscaping to create mountain boarding tracks, retention of reception and shop - Temporary Permission 13 February 2002. Expired 13 February 2003.

4. Consultation SummaryStatutory Consultation

- 4.1 None required.

Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards raises concerns regarding the use of the site for organised events but not the day to day operation of the centre.
- 4.3 Head of Engineering and Transportation recommends conditions.
- 4.4 Community Youth Services Manager – supports the proposal.
- 4.5 Chief Conservation Officer raises no objections.

5. Representations

- 5.1 Cradley Parish Council support this application because of the creation of jobs for local persons and as a recreation amenity. We recommend to County Councillors they carry out a site visit.
- 5.2 Evesbatch Parish Council have no objection, but feel all conditions must be complied with.

- 5.3 CPRE comment - in our view this centre provides a valuable recreational facility and does not significantly detract from the landscape value. We therefore ask the Council to approve this application. Having recently attended a mountain board meeting we do however appreciate that noise is a factor. We suggest it should suffice if loud music were banned.
- 5.4 Ledbury and District Society Trust Ltd comment that they believe that the establishment concerned provides a valuable recreational facility for a wide area and caters for a large clientele. It would appear that objections to its future use concern the noise from the loudspeakers: this seems to us to be an inadequate reason for enforcing its closure. Surely some less drastic resolution to the perceived problem could be achieved. At a time when rural diversification and increased recreational use of the countryside is being encouraged, to close this enterprise would be a retrograde step.
- 5.5 75 letters of support have been received explaining the virtues/benefit of the centre together with a petition signed by over 600 people.
- 5.6 Four letters of objection have been received from:
- R. Vaughan, Woodend Cottage and Ridgeway Cottage, Cradley. (2 letters)
 - Mr. & Mrs. M.R. Burden, Lane Cottage, Hook Lane, Acton Beauchamp, Worcs.
 - S. & P. Diplock, Acton Green, Acton Beauchamp, Worcs.

The objectors have submitted extensive letters, one of which is appended, to ensure members have a full appreciation of their concerns. However, their main concerns are the adverse impact this activity has on their amenity and road safety.

1. The proposal still impacts upon the Human Rights Act 1998 - 'Everyone has the right to his private and family life, his home and correspondence' Protocol No. 1 Every natural or legal person is entitled to the peaceful enjoyment of his possessions.
2. Conditions have been attached previously to the temporary permission that were ignored.
3. The campsite could create security problems.
4. The massive earthworks undertaken are unsightly.
5. The applicant has stated in press reportings that 400 people have attended, this of course will have an impact on the narrow and dangerous B4220.
6. Use of tannoy or amplified music wholly unsuitable for the area and the tranquility of the countryside will be impacted upon.
7. Aspect of land changed from Area of Great Landscape Value to theme park arena.
8. Use of land vehicle to pick up passengers every day without break; too constant, too close and too noisy.
9. Tuesdays (his closed day) is sometimes open, and always has lawnmowers and vibrating rollers traversing the ground thereby causing more disturbance on the only prospective day of peace we have (although we are normally at work).
10. Any conditions applied carry no interest to the applicant. Contrary to his statement of 'facts' presented, he has continued to flout most of the conditions attached (noise, opening hours, earthworks, advertising); so setting more will not help.
11. We have no day at home with any peace. Why should every Sunday and most Bank Holidays be shattered by this?
12. If planning granted who, will enforce any conditions? Huge changes have occurred on the site since the last application passed and all without planning, we cannot be expected to 'watch over the site' and it would be unreasonable to expect environmental health to attend at any given time at short notice.

13. The history of the site cannot be ignored; this venture has been problematic from the outset. We feel that any conditions now applied would certainly be abused and it would be unreasonable of the Council to allow the site to continue when this clearly has had such a huge impact on our daily life.
 14. The granting of a Public Entertainment Licence, is not the solution.
 15. Continual droning on the plywood skateboard ramp, is not in keeping with the area.
 16. The proposal impacts upon an existing holiday letting business in the locality.
- 5.7 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Mountain boarding is an activity which does not generally generate noise from equipment but does from the participants, spectators and amplified sound which is used when the centre holds a major event such as a National Championship. A temporary permission was previously granted to enable the premises to be monitored. During this trial period problems arose when major events were held with limited/no control over tannoy systems or number of events even though conditions prevented their use.
- 6.2 The main issues to consider are:
1. Landscape impact
 2. Access
 3. Impact on amenity of neighbours

1. Landscape Impact

The site is located on a hillside which has been manicured to create the 'runs'. These works have been assessed by the Chief Conservation Officer who considers that they are not injurious to the landscape. Previous runs have grassed over and when the recently formed 'runs' have been grassed they will also mellow into the landscape. The siting of the portacabin in the hollow and the camps-site behind means that the whole development does not have a detrimental impact upon the landscape.

2. Access

The Head of Engineering and Transportation is satisfied that subject to some improvement to the access that the proposal is acceptable. This will require the removal of the tree in the entrance which has been severely lopped and is not protected. He is also satisfied that the volume of traffic can be accommodated on what is a class II road.

3. Impact on amenity of residents

The Environmental Health and Trading Standards Officer has assessed the proposal and considers that the revised track layout with the most northern run, adjacent to Hook Cottage, now closed, is an improvement and will reduce to some degree any disturbance caused. He does confirm that repeated complaints have been received and the applicant is subject to an abatement notice in respect of a statutory noise nuisance served under the provisions of the Environmental Protection Act 1990 restricting the use of amplified music. However, this nuisance again surrounds the

large organised events held by the centre. The day-to-day operation of the centre is not considered to be a nuisance. Accordingly, the Environmental Health and Trading Standards Officer recommends conditions regarding the use of loudspeakers, amplified music, lighting, time constraints and no motorised vehicles. Therefore provided suitable controls can be imposed to control the major events the use of the centre is considered to comply with Planning Policies.

- 6.3 The use of the land for this activity conforms to the rural diversification policies contained in PPG7 together with the Hereford and Worcester County Structure Plan, Malvern Hills District Local Plan and the Herefordshire Unitary Development Plan. The manicuring of the land to create the 'runs' is not considered to be injurious to the landscape.
- 6.4 Circular 11/95 makes it clear that trial runs (Para 111) can be used for uses which may be 'potentially detrimental' to existing uses nearby. Experience to date is that the day-to-day operation of the centre is acceptable and that the problems arise when the centre holds a major event. Therefore to control the main events it is considered that the applicant should inform the local planning authority a minimum of 3 months prior to the events taking place with full details of the proposed activity including the position and use of any tannoy system and location of any overflow car parking. Due to complaints that have been received when this type of event is held it is considered that only one event in a 12-month cycle held for no more than 2 days is appropriate. Finally, to ensure that the condition operates effectively it is recommended that a condition be added to any permission making it temporary for 12 months. This would comply with the principle of applying temporary permission as outlined in Cir 11/95. Although this is a second trial period not normally required after a temporary permission has previously been granted it is considered wholly appropriate given that the Local Planning Authority will need to be satisfied that the controlling condition for the major event works effectively.
- 6.5 Accordingly, taking into account the representation received, the proposal is considered to comply with the development plan subject to adherence to the recommended conditions.
- 6.6 Regarding the Human Rights issues raised it is considered that subject to adherence to the recommended conditions the human rights of the complainant have not been impacted upon by this proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - This permission shall expire on 28 January 2005. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired and consider any intensification in the use.

- 2 - Notwithstanding the submitted plans no amplified sound or music shall be used at anytime in conjunction with the use of the land unless otherwise agreed by the local planning inaccordance with condition number 11.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 3 - There shall be no floodlighting of the site at anytime.

Reason: In the interests of the amenities of existing residential property in the locality.

- 4 - No marquees or tents shall be erected on the land without the express permission of the local planning authority other than on the identified camp site unless otherwise agreed in writing with the local planning authority in accordance with condition number 11.

Reason: In the interests of the amenities of existing residential property in the locality.

- 5 - Within one month of the date of this permission a traffic route shall be agreed with the local planning authority. Vehicular traffic generated by this use shall be directed to the agreed route which shall be via the Bromyard/Cradley road.

Reason: In the interests of the amenities of existing residential property in the locality.

- 6 - The use hereby permitted shall not be open to customers between the hours of 8 pm and 9 am daily.

Reason: In the interests of the amenities of existing residential property in the locality.

- 7- No equipment, earthworks, hoardings or advertisements shall be erected/constructed on the application site without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to protect the character and appearance of this open countryside location.

- 8 - No materials including soil shall be imported into the site for use in connection with the development hereby permitted.

Reason: In the interests of visual amenity.

- 9 - This permission only relates to the use of 'mountain boards' on the course hereby approved, no motorised sports equipment, with the exception of the lift truck, shall be used on the course at any time.

Reason: In the interests of local amenity.

- 10 - No new 'runs' shall be formed without the express written consent of the local planning authority details of which shall be submitted for approval in writing of the local planning authority.

Reason: In order to clarify the terms of this permission and to protect the amenity of adjoining residents.

- 11 - Only one National Championship event in a 12 month cycle shall be held on the site. Full details of which shall be submitted for approval in writing of the local planning authority a minimum of 3 months prior to the event taking place. These details shall include the length of the event (maximum of 2 days), position of public address/tannoy system, noise levels, time periods, overflow parking, temporary structures, marquees etc.

Reason: In order to protect the amenity of nearby residents.

- 12 - H13 – Access.

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

Note to applicant:

- 1 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

- A1 - Development in Agricultural Land
- A2 - Diversification
- LR1 - Leisure and Recreation Development
- LR2 - Leisure and Recreation Development
- CTC2 - Areas of Great Landscape Value
- CTC9 - Development Requirements

Malvern Hills District Local Plan

- Employment Policy 9 - Further Means of Rural Diversification
- Landscape Policy 3 - Development in Areas of Great Landscape Value
- Landscape Policy 4 - Agricultural Land
- Landscape Policy 8 - Landscape Standards
- Transport Policy 11 - Traffic Impact
- Recreation Policy 3 - Recreation in Other Countryside Areas

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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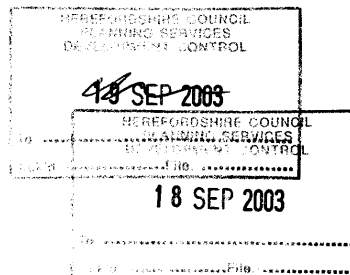
Background Papers

Internal departmental consultation replies.

Mr & Mrs M.R.Burden
Lane Cottage
Hook Lane
Acton Beauchamp, Worcester
WR6 5AH
Home Phone 01886 884431

September 14, 2003

*Moore
ack*



Herefordshire Council
Northern Planning Services
PO Box 230
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Dear Sirs,

Ack 19/9

Ack 19/9

Re: Application number - DCNE2003/2423/F + APPEAL NO: EN03/0026/ZZ
Woodend Farm, Bromyard Road, Cradley, Herefordshire, WR13 5JW

Ack 19/9
REF APP/W1850/C/03/1124832

Regards the above and your written confirmation of proposed continued use of landscaped mountain board centre. Retention of cabin for reception shop, toilet block, hardstanding, camp site and car park, we wish to make the following objections.

We would firstly like to remind the planning and the members of a brief history of events to date;

- 1) Contacted Council to advise a breach in planning & letter received from R Pryce (planning officer) 19th October 2000
- 2) Received notification of planning application 23rd January 2001 - number NE2001/0022/F
- 3) Our original letter of objection submitted 24th January 2001
- 4) Letter sent to K Bishop regarding events of weekend 26th May 2001 - Music & Floodlights until 4am the following morning, this was reported to Bromyard Police who attended and confirmed music levels excessive, requested be turned down which was ignored.
- 5) 1st Enforcement Notice issued - Exact date not known
- 6) The centre continued to run throughout the foot & mouth crisis without provision for feet deeps; contrary to MAFF advice concerning spread of infectious diseases throughout the UK by persons from outside the area, from sources unknown, displaying skany regard for the local farming community as a whole.
- 7) Letter received from Herefordshire Council to confirm the date Northern Area Planning to consider application as being the 4th July 2001, this letter was dated 6th June
- 8) Further letter from Herefordshire Council requesting any further representations, 13th June 2001
- 9) Our response forwarded to Kevin Bishop 17th June
- 10) Letter from Herefordshire Council confirming outstanding issues and application to be presented on 1st August 2001, this letter dated 20th June
- 11) Event held weekend of the 25th August 2001- noise levels witnessed from our home by Environmental Health Officer who, agreed that a severe noise nuisance had occurred - NOTE: WE HAVE THE OFFICIAL VIDEO OF THE UK BOARDING SERIES 2001 "THE FOOT & MOUTH YEAR" THIS SHOWS THE CLOSE PROXIMITY OF THE TRACK TO OUR HOME, SHOULD THE MEMBERS WISH TO VIEW THIS.
- 12) ABATEMENT NOTICE SERVED IN RESPECT OF NOISE NUSIANCE 24TH AUGUST 2001
- 13) Planning application refused on the 24th October 2001 - the reason given "The proposal is considered to be contrary to Employment Policy 9 & Recreation Policy 3 of the Malvern Hill District Local Plan & Policy 2 of the Hereford & Worcester County Structure Plan in that the use causes undue disturbance by reason of noise and general activity to nearby neighbours".
- 14) 2nd Planning Application submitted number NE2002/0021/F confirmation received in letter dated 10th January 2002
- 15) Our letter of objection forwarded 25th January 2002
- 16) The 2nd Application was granted 13th February 2002 with 13 conditions including temporary permission for a 12 month period
- 17) A further Event was held August 2002 with Music & Tannoy this event was moved to a field further away to overcome the

conditions which had been applied by the council members

18) Application number NE2002/0021/F expired 13th February 2003. The centre has been operating since, doing as it pleases!! until a 3rd application was submitted as per the Herefordshire Councils letter to us of the 29th August 2003, so a further 5 months have elapsed without restrictions, this application was only prompted by the issue of a 2nd Enforcement Notice.

19) An Event held the weekend of the 9th & 10th August, with Music & Tannoy. The use of Music & Tannoy was **NOT AGREED** by either Environmental Health or Planning, although alleged by applicant

The front of our home (not the back, as stated by the applicant) overlooks the "Centre". The North Track, nearest to our home has now been taken up but, this was not implemented until Friday 8th August 2003, 18 months from the date given by council to take steps to avoid use. We have been forced many times to move out of our home when noise levels are so excessive that it is impossible to remain (including overnight), and at the request of environmental health remained at home for the weekend of the 9th & 10th August in order for them to monitor the levels of noise and tannoy. It was agreed by Andy Tector from the Environmental Health Department that the noise level generated did constitute a nuisance, and that the environmental department is currently considering legal action because of this as a **NOISE ABATEMENT NOTICE** was served in August 2001, due to persistent noise problems incurred on the land in connection with the applicant's use up for renewal.

It has been generally considered by all that our amenity has been affected by the use of land. We have extensive video and photographic evidence which substantiates our claim that our **QUALITY OF LIFE** has been affected, on one occasion I looked through our bedroom window to see a man urinating in the field, looking directly at us. This together with the continued screams and yells of the participants continue to cause us distress. We have extensive video and camera evidence that counterclaims **ALL** the applicants "facts" in the statement.

We would draw your attention to the boarding erected at the entrance site, is this suitable for area? (again, no planning consent) along with the unauthorised Brown "tourist board" signs directing traffic from the main Bromyard to Worcester Road and the Worcester to Hereford road junctions. We again question the hump at the top of the site nearest the junction of Hook Lane and the B4220 as, when participants are standing on it, traffic may be seen to veer over the road as their eyes are diverted to look at persons apparently standing on the hedge! - this on a notoriously bad bend on a particularly narrow stretch of road.

Much emphasis has been made regards the need for children to "play in the fresh air" surely, our child should be allowed the same privilege, at present, our home is not the peaceful family home we purchased 8 years ago. Being awoken at night during his events, and us all being unable to sleep until the centre decides to shut down for the night (usually around 3am) is not pleasant at all.

Further emphasis has been made to a "specially silenced" vehicle that he uses. This vehicle is rarely used; he has used a dizzying array of vehicles for conveying passengers around, and currently uses a beat-up old tractor, certainly not specially silenced, hardly silenced at all. His "fact" regarding land vehicles is laughable. We have to endure a (tractor at present) driving all day every day around the field rattling a trailer behind, at approximate 5 minute lap times. It stops directly outside our home, chugging merrily, and then chunders off around the field. It is always at the (close) set distance, always stops, sometimes goes fast, sometimes slow. I cannot think of any such sense farming method however hard i try.

Further note that continued snide references to **ONE NEIGHBOUR** is not the basis for allowing the centre to continue in its current position (nor is it accurate). We have always maintained that we have no objection to the centre continuing to operate but **NOT** at our expense. Our quality of life, which continues to be affected cannot be disregarded or ignored. If the centre had gone through the proper channels rather than apply for "**RETROSPECTIVE**" planning, would the course be allowed to operate so close to private housing?, in the manner that it does so? We think not.

The use of Tannoy & Amplified sound is unsuitable and not in keeping with the previously quiet location. The actual need for this is questionable as it does not help the boarders, just causes an unnecessary nuisance.

Furthermore, we remind the council that the location of the centre is in an area of Great Landscape Value, which if, the way the centre without regulation is progressing, will only be a blot on the landscape, as ugly mounds and tracks are appearing ad hoc.

The council members cannot disregard the previous problems and conditions that were both applied (to protect our amenity), and ignored by the applicant (as we all know, and we can prove). We feel that if permission was granted, the same conditions would be applied; however, we are not the councils spies and should not be expected to watch over the centre to ensure that all of the conditions are adhered to. (which they haven't so far)

A statement has been made by Johnathan Barrett (Head of Planning) that temporary conditions were applied to protect us from verified noise and interference which, were not complied with. Do the members really feel that any further conditions will make any difference

when nothing has been complied with so far, regardless of his "facts"

Contrary to "facts" from Mr Johnson, there is a Mountain Board Centre within the Herefordshire Borders, which does not make the centre "Unique". The centre at Tillington (12 miles away) has not experienced problems, perhaps, because private housing is not so close. National events of the sort to which he refers are held with Tannoy and speakers here too. Surely the national members and local participants could travel the 12 miles to this centre for the extra dates of their events, rather than distressing us and Mr & Mrs Diplock whom business suffers directly as a result of his "must have events". There is therefore be no actual need for events to be held here. Rather, they are totally out of keeping with the local area, upset more than "just one neighbour", and cause a local thriving business to suffer financially at his will. Any events held here are undertaken by the applicant whenever he feels, with no regard to planning rules or neighbours and so it continues without recourse for purely monetary gain.

No doubt, there will be 100's of letters in support of the centre however, we must bear in mind that these individuals are children or child-like pleasure seekers from outside the area who have no regard for our welfare or anyone's enjoyment or rights except their own. Fuelled by malicious propaganda, (we have been slandered to locals and strangers alike for events that in fact never happened), and egged on by a ceaseless tirade of lies and deceptions, it would be of little surprise that this would be true. Countless scores of children would deluge the council if they thought that would make you abolish mathematics, but that would not make it right would it? Disparaging parents of unruly children may also be pleased to offload their little ones, but cannot surely be surprised (if they are honest) that we do not like to live with this on our doorstep in the manner to which he wants it to run.

We also note that no mention has been made regarding "Get A Grip". Will this venture run hand in hand with the Mountain Board Centre as it has so far?, likewise the buggy racing and quad bikes that run regularly that have never had permission applied for; and that the parish council is against the use of engines...?

In summary, we object to the continued use of the centre for the following reasons.

We would draw your attention to paragraph three, Council letter dated 2nd September 2003 regarding the appeal that "The Council does not consider that planning permission should not be given because planning conditions could not overcome these objections"

The proposal still impacts upon the Human Rights Act 1998 - 'Everyone has the right to his private & family life, his home and correspondence' Protocol No 1 Every natural or legal person is entitled to the peaceful enjoyment of his possessions.

Conditions have been attached previously to the temporary permission that were ignored

The campsite could create security problems

The massive earthworks undertaken are unsightly

The applicant has stated in press reportings that 400 people have attended, this of course will have an impact on the narrow and dangerous B4220

Use of Tannoy or Amplified music wholly unsuitable for the area & the tranquility of the countryside will be impacted upon

Aspect of Land changed from Great Landscape Value to theme park arena

Use of land vehicle to pick up passengers every day without break; too constant, too close and too noisy

Tuesdays (his closed day) is sometimes open, and always has lawnmowers and vibrating rollers traversing the ground

thereby causing more disturbance on the only prospective day of peace we have (although we are normally at work)

Any conditions applied carry no interest to the applicant. Contrary to his statement of "facts" presented, he has

continued to flout most of the conditions attached (noise, opening hours, earthworks, advertising); so setting more will not help.

The applicant displays total contempt for any rights or amenities that we have. Life is for his living only, it seems.

The applicant has proven himself to be totally untrustworthy and arrogant in the dealings with the Council, let alone any of the neighbours.

We have no day at home without any peace. Why should every Sunday and most Bank Holidays be shattered by this?

If Planning granted who, will enforce any conditions? Huge changes have occurred on the site since the last application passed and all without planning, we cannot be expected to "watch over the site" and it would be unreasonable to expect environmental health to attend at any given time at short notice.

The history of the site cannot be ignored; this venture has been problematic from the outset. We feel that any conditions now applied would certainly be abused and it would be unreasonable of the council to allow the site to continue when this clearly has had such a huge impact on our daily life.

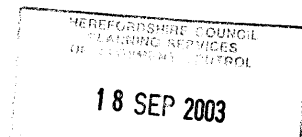
A statement has been made by Jonathan Barrett, Head of Planning that previous planning granted with conditions to protect local residents from noise and interference were not complied with.

The granting of a Public Entertainment Licence, is not the solution.

CONTINUAL DRONING OF THE PLYWOOD SKATEBOARD RAMP, IS NOT IN KEEPING WITH THE AREA.

Yours sincerely,

Howard Burt



8 DCNE2003/2798/F - ERECTION OF TEN, THREE BEDROOMED DWELLINGS WITH GARAGES SITE OFF STATION ROAD, COLWALL, MALVERN, HEREFORDSHIRE**For: Milton Ltd per Mr A H Roper, Dolefield Cottage, Bank Farm, Mathon, West Malvern, WR14 4DX****Date Received:
16th September 2003****Ward:
Hope End****Grid Ref:
75590, 42436****Expiry Date:
11th November 2003**

Local Members: Councillor R. Stockton & Councillor R. Mills

Introduction

This application was deferred at the last meeting as Members were concerned that the density was too high. The applicant was informed and has submitted the following letter:

“The scheme as submitted is within the settlement boundary of Colwall on a site with previous residential use, and complies with the requirements of PPG3 with respect to both density of housing and its siting adjacent to the Colwall station with rail links to Hereford and Worcester and beyond.

We therefore see no reason why the present scheme should be altered or compromised and request the Committee to determine the application on 28th January 2004.”

The previous report which has been updated follows.

ORIGINAL REPORT OF 17TH DECEMBER 2003**1. Site Description and Proposal**

- 1.1 This 0.32 hectare site is located to the rear of the former Lockyears Garage site, now developed with 12 flats (The Orchards) near the railway station in Colwall. The site presently contains two empty bungalows and overgrown gardens. Station Road forms the northern boundary with the Ledbury to Malvern railway line on the eastern boundary, the flats development on the western boundary and mature gardens on the southern boundary.
- 1.2 The proposal is to demolish the two bungalows and replace with ten three-bedroom, two-storey dwellings. Access is proposed off Station Road. The dwellings would have a mixture of hipped and gabled roofs all with attached garages and additional car-parking spaces.
- 1.3 External materials proposed are brick under a slate roof.

2. Policies

PPG1 – General Policy and Principles

PPG3 – Housing

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

PPG13 – Transport

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas

CTC1 – Areas of Outstanding Natural Beauty

CTC5 – Archaeology

CTC9 – Development Requirements

CTC11 – Trees and Woodlands

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries

Housing Policy 17 – Residential Standards

Housing Policy 18 – Tandem and Backland Development

Landscape Policy 2 – Areas of Outstanding Natural Beauty

Landscape Policy 8 – Landscape Standards

Transport Policy 11 – Traffic Impact

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H4 – Main Village: Settlement Boundaries

Policy LA1 – Area of Outstanding Natural Beauty

Colwall Village Design Statement

3. Planning History

MH78/1147 - Renewal of permission for mobile home - Planning permission granted 6.7.1978.

NE2000/1885/F - Site for 6 residential dwellings with garages - Approved 4.10.2000.

NE2001/2061/F - Erection of 5 detached dwellings with garage - Approved 19 October 2001.

Adjacent site:

NE99/0041/N - Erection of 12 flats with integral garaging - Planning permission granted 27.5.1999.

N98/0347/N - Erection of 13 flat units and garages - Refused 9.12.1998.

MH95/903 - 2 1/2 storey sheltered flats development (20 units) - Refused 13.2.1996 - Appeal allowed 7.8.1996.

MH89/0567 - Sheltered housing comprising 22 flats and associated communal facilities
- Withdrawn.

MH89/129 - Demolition of existing garage and living accommodation and erection of 6 dwellings and 6 double garages - Refused 16.10.89 - Appeal allowed 7.6.1990.

4. Consultation Summary

Statutory Consultations

4.1 The Malvern Hills Area of Natural Beauty Partnership comment as follows:

- 1) We would like to support in general the position taken by Colwall Parish Council. These points are all of critical importance to the life of the village.
- 2) However, if the Council is minded to grant the application at this density, particularly if the cost of units to purchasers will wholly or in part lie within the 'social housing' range (buy-to-let, rent, part-purchase) then the constraints below are recommended.
- 3) The Council will be fully aware that
 - (i) the site lies at the centre of the AONB's central settlement and is therefore particularly sensitive.
 - (ii) the site is immediately adjacent to the Railway Station, Colwall's principal public transport gateway. Of the 4 stations serving visitors to the Hills and AONB land, to the west this station provides by far the best possible 'green' access as well as to support facilities within the settlement
 - (iii) the pressure to spoil views into and out of the settlement remains high and, as the V.D.S. points out, requires constant vigilance. The Partners are particularly alert to the threats to the view down from the Hills. The steady growth of developments to the East and North of the Hills makes development control to the West critically important.

4) Recommended conditions

- i) the applicants have already gone some way to anticipate the concerns of ourselves and the villager and we have only the following points to stress. Local (very) distinctiveness considerations require that
 - a) Roof materials should vary between slate and clay
 - b) Facing bricks (all elevations) should reflect the colour and finish of the Colwall Park Hotel and particularly the smaller units behind it, and those of 'The Orchards'
 - c) Avoiding pastiche, some detailing, varying between properties should also quietly endorse the black, white and red 'look' of these predominantly Edwardian properties
 - d) There should be further planting of Scotch Pine to the North and East of the site to break up the visual impact of the site as seen from the Hills, the railway bridge and the field paths leading up towards Jubilee Drive

Internal Council Advice

- 4.2 Chief Conservation Officer recommends the standard archaeological condition to oversee the development.
- 4.3 Head of Engineering and Planning recommends conditions and confirms that there is no impact on the adjoining public footpath CW40.

5. Representations

- 5.1 Colwall Parish Council object to this application and comment as follows: "The proposed development on the site is too dense with reference to the unsuitability of the access road as there are serious concerns with regard to road safety. These concerns relate to the pedestrian access to the railway station, vehicle access to the railway station car park and the additional traffic movement into an existing 'high risk' junction/area at Water/Sewerage/School and Doctors Surgery.

Section 8.8 of the Village Design Statement refers to the fact that any further development in this area would generate the need for a traffic impact survey. In addition the Design Statement (Page 13) refers to the following pattern of development guidelines:

Any development whether it be a new property, extension, or addition to an existing building should:

- Allow sufficient space to be able to retain the open green effect characteristic in the village and avoid overcrowding.
- Protect the distinctive views into and out of the village which are afforded by existing open spaces.
- Provide adequate roadside grass verges to building frontages to maintain the spatial environment.
- Ensure that landscaping proposals use species characteristic of the village and to a design that is compatible with its surroundings.

In the case of new developments, new open spaces should be created so that these developments can be part of the existing settlement pattern and linked to the open countryside, thus integrating the buildings with their agricultural surroundings".

Six letters of objection have been received, the main points are:

- 1 - The density is too high.
- 2 - Increased traffic movements with no footpath along Station Road.
- 3 - Increased noise.
- 4 - Views of the Malverns would be obscured.
- 5 - Impact on amenity of adjoining residents.
- 6 - The development will not blend in with the existing built environment.

- 5.2 Two letters of support have been received.

- 1 - Supports development but wants assurances that boundaries to the site could be protected and enhanced to prevent trespass.
- 2 - These style and size of houses are needed in Colwall.

3 - They would not be detrimental to the village.

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

6. Officers Appraisal

6.1 In considering this planning application the main points are the density of the development, access, impact on nearby residents and design.

6.2 The site has an extant planning permission for 6 dwellings of similar design and the additional 4 dwellings bring the density up to 31 dwellings per hectare, which sits at the lower end of the density criteria stated in PPG3. Furthermore its location near to Colwall Station complies with the requirements of PPG3 to locate developments around good quality transparent corridors.

6.3 Access on the original scheme was through the adjoining flats development. However, the developer has now obtained permission to access onto Station Road, which although not having a footpath has a suitable width to accommodate the increase in traffic and pedestrian usage from the station.

6.4 Impact on amenity will be reduced by the retention of boundary treatments and new planting.

6.5 The designs of the dwellings are similar to recent developments in Colwall in window proportions, use of different roof treatments and insertion of chimneys. This will create a variety of rooflines as identified by the Colwall Village Design Statement.

6.6 The development does not meet the threshold for provision of recreation open space. Furthermore concerns relating to retaining open spaces within Colwall are not considered in this instance to outweigh the development of this site, which has an extant permission for 6 dwellings and is located within the heart of the village adjacent to a main transport link, Colwall Railway Station.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

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

4 - D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

[Note ND3 should be used in conjunction with this condition].

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 - G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

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

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

9 - G11 (Retention of hedgerows (where not covered by Hedgerow Regulations))

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

10 - The rear elevations of Plots 3 - 7 included shall have triple glazing installed and retained for that use in perpetuity.

Reason: In order to protect the amenity of the occupants.

11 - H03 (Visibility splays)

Reason: In the interests of highway safety.

12 - H13 (Access, turning area and parking)

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

13 - H27 (Parking for site operatives)

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

Note to applicant:

- 1 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

Hereford and Worcester County Structure Plan

- H16A - Housing in Rural Areas**
- H18 - Housing in Rural Areas**
- CTC1 - Areas of Outstanding Natural Beauty**
- CTC5 - Archaeology**
- CTC9 - Development Requirements**
- CTC11 - Trees and Woodlands**

Malvern Hills District Local Plan

- Housing Policy 3 - Settlement Boundaries**
- Housing Policy 17 - Residential Standards**
- Housing Policy 18 - Tandem and Backland Development**
- Landscape Policy 2 - Areas of Outstanding Natural Beauty**
- Landscape Policy 8 - Landscape Standards**
- Transport Policy 11 - Traffic Impact**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCNE2003/3075/F - GARAGE AND BATHROOM EXTENSIONS TO INCLUDE TWO NEW DORMER WINDOWS AND FIRST FLOOR BALUSTRADE AT FAIRFIELD, OLD CHURCH ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EZ

For: Mr & Mrs S Harford at same address

Date Received:
3rd October 2003

Ward:
Hope End

Grid Ref:
75481, 42818

Expiry Date:
28th November 2003

Local Members: Councillor R. Stockton and Councillor R. Mills

1. Site Description and Proposal

- 1.1 Fairfields is a dormer bungalow located on the south side of Old Church Road, Colwall between properties named Hedgebank and Arnside.
- 1.2 The proposal is to convert the existing garage into a study (which does not require planning permission), construct a new garage between Fairfields and Old Church Road, insert a new dormer window and extend an existing dormer window. The plans have been amended by removing a balustrade along the top of the existing flat roof garage which was to link Fairfields with the new garage which will have a pitch roof. External materials proposed are render and tile to match the dwelling.

2. Policies

Hereford and Worcester County Structure Plan

Policy CTC 7 – Conservation Areas
Policy CTC 9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 16 – Extensions
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Areas of Great Landscape Value
Conservation Policy 1 – Preserving or Enhancing Conservation Areas
Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 5 – Boundary Treatments in Conservation Areas

Herefordshire Unitary Development Plan

H18 – Alterations and Extensions
LA1 – Areas of Outstanding Natural Beauty
HBA6 – New Development within Conservation Areas

Colwall Village Design Statement

3. Planning History

NE2001/1802/F – Erection of a close boarded fence – Approved 28th August 2001

MH96/0641 – Additional garage adjoining existing garage – Approved 10th July 1996

4. Consultation Summary

Statutory Consultations

4.1 Area of Outstanding Natural Beauty Officer has no comment to offer.

Internal Council Advice

4.2 The Chief Conservation Officer raises concerns regarding the impact of the new garage on street scene and Conservation Area.

4.3 The Head of Engineering and Transport raises no objections.

5. Representations

5.1 Colwall Parish Council comment as follows: 'The Parish Council object to this application as it feels that the character of the village will be affected e.g 'large properties set back off the road' and sets a precedent, particularly as this site is within a Conservation Area. Previous applications from adjoining properties have maintained an appropriate distance from the road.'

5.2 Two letters of objection have been received from:

Mrs. M.J. White, The Hollies, Old Church Road, Colwall
J.M. Burke, Hedgebank, Old Church Road, Colwall

The main planning reasons are:

- a) Construction of a new garage within a few feet of the boundary to Old Church Road will have a considerable visual impact within the Conservation Area.
- b) Fairfields lies within a large plot with ample room to extend on the side.
- c) This area of Old Church Road exhibits dwellings well set back from the road an important feature of the Conservation Area.

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

6. Officers Appraisal

6.1 The only contention with this planning application is the proposed new garage. It is proposed to be sited alongside the existing garage approximately 3m from the new boundary fence erected by the applicants, in the same position as was approved in 1996 by Malvern Hills District Council. The main difference is that the 1996 planning application proposed a flat roof whilst the present application is for a traditional pitch roof. The fence is erected inside the boundary hedge which is not complete due to a

previous access being closed. Planting has taken place but not all of it has grown therefore additional planting is proposed in the new planting season.

- 6.2 Concerns have been raised relating to the dominating affect that a garage in front of the dwelling would impose on the street scene and Conservation Area. In this respect the pitch roof will be seen compared to the previously approved flat roof. However, Old Church Road displays a mix of dwelling types, sizes and garages to the side and in front of dwellings also located along the roadside. Therefore this proposal continues the variation in the street scene which is a character of Old Church Road. Accordingly, subject to additional hedge planting the proposed garage is not considered to be detrimental to the Conservation Area. A condition will be recommended to ensure that the garage remains as a garage and not converted without permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A06 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 - E06 (Restriction on Use)(Garage use only)**

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

- 4 - B02 (Matching external materials (extension))**

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

- 5 - Following completion of the development the planting shall be completed in accordance with a timetable to be agreed in writing with the local planning authority. The development shall be carried out in accordance with the agreed replacement hedgerow planting details.**

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

Note to applicant:

- 1 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

Hereford and Worcester County Structure Plan

Policy CTC 7 - Conservation Areas

Policy CTC 9 - Development Requirements

Malvern Hills District Local Plan

Housing Policy 16 - Extensions

Landscape Policy 2 - Areas of Outstanding Natural Beauty

Landscape Policy 3 - Areas of Great Landscape Value

Conservation Policy 1 - Preserving or Enhancing Conservation Areas

Conservation Policy 2 - New Development in Conservation Areas

Conservation Policy 5 - Boundary Treatments in Conservation Areas

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCNE2003/3181/F - INSTALLATION OF 21M SLIM LINE LATTICE MAST WITH ANTENNAS ATTACHED AND IMPLEMENTATION OF TWO CABINETS AND ANCILLARY DEVELOPMENTS AT LAND ADJACENT TO A4103, STIFFORDS BRIDGE, WORCESTERSHIRE, WR13 5EL

For: Vodafone Ltd per Daly International, Fairbank House, Ashley Road, Altrincham, Cheshire, WA14 2DP

Date Received:
21st October 2003

Ward:
Hope End

Grid Ref:
74041, 48034

Expiry Date:
16th December 2003

Local Members: Councillor R. Mills and Councillor R. Stockton

1. Site Description and Proposal

- 1.1 The site is located on the northern side of the A4103 immediately east of a property known as Pontic and Mill Bank Garage, approximately 1/3 mile north of Cradley. The site for the mast is a disused small quarry, which is largely enclosed by a copse of mature and semi mature trees. Ground levels rise northwards and eastwards within and surrounding the site. An existing vehicular access track runs along the western boundary of the site which is also designated as a Public Right of Way number CD73.
- 1.2 The applicants propose the erection of a 21-metre high slim line lattice mast. Fixed to the top would be six panel antennae taking the total height of the structure to 23.5 metres. Also proposed is a 600 mm dish at a height of 20 metres along with the associated equipment cabinets all sited within the a fenced compound. The proposed site for the mast falls within the Malvern Hills Area of Outstanding Natural Beauty and is also designated as an Area of Great Landscape Value.

2. Policies

Planning Policy Guidance Note 8 – Telecommunications

Hereford and Worcester County Structure Plan

CTC1 – Areas of Outstanding Natural Beauty
CTC2 – Areas of Great Landscape Value
CTC9 – Development Requirements

Malvern Hills District Local Plan

Conservation Policy 18 – Telecommunications Equipment
Landscape Policy 1 – Development Outside Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

CF3 – Telecommunications

LA1 – Areas of Outstanding Natural Beauty

LA2 – Landscape Character and Areas Least Resilient to Change

S2 – Development Requirements

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

- 4.1 Malvern Hills Joint Advisory Committee Planning Group comment as follows: 'The application does not conserve or enhance the natural beauty of the AONB designation and therefore it is recommended that permission is not granted.'

Internal Council Advice

- 4.2 The Head of Engineering and Transportation has no objection.
- 4.3 The Head of Environmental Health and Trading Standards have no objection.
- 4.4 The Public Rights of Way Manager has no objections subject to the Public Right of Way remaining open and unobstructed at all times.
- 4.5 The Chief Conservation Officer comments as follows: 'Although the mast would have a slight adverse impact on the Area of Outstanding Natural Beauty and Area of Great Landscape Value from some view points, we think on balance, that the site would be acceptable in visual terms. This is because the mast is located close to a main road, and close to existing buildings rather than on an isolated, exposed site, and it can be served by an existing track.'

5. Representations

- 5.1 Cradley Parish Council do not object but raise the following concerns:
- a) We prefer to see a single dark colour
 - b) On health grounds for Pontic Cottage and the workshops at Mill Bank Garage
 - c) An agreement to maintain tree covering in what is currently in an area of mature trees
- 5.2 Ten letters of objection have been received along with a petition also objecting signed by 224 people. The main points raised are:
- a) Storrige is listed as an Area of Outstanding Natural Beauty and the mast and equipment are unsightly and will detract from the visual amenity of the area.
 - b) The mast is extremely close to Pontic Cottage and the Coghill Report states that ideally, a mast should be at least 500 metres from inhabited property. This is clearly not the case with this application.
 - c) The proposal will devalue our property and will exempt families from wishing to live in Pontic House in the future.

- d) I am concerned with the proximity of the mast to the new Cradley village school in terms of the health risk. Evidence shows that radiation emissions are harmful and could cause cancer to people living nearby.
- e) The entrance to the site is in a dangerous place as it is on a corner of the busy A413 road.
- f) There is sufficient mobile signal in the area and therefore there is no need for the proposed mast.

5.3 A further letter making comment has been received from the Chairman of the Ledbury and District CPRE requesting a demonstration mast is erected to assess the visual impact of the proposal and that all equipment at ground level should be adequately screened.

5.4 Supporting information has been provided by the applicant, which will be referred to in the Officers Appraisal.

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

6. Officers Appraisal

6.1 This application has been submitted following pre-application discussions with your officers as part of the pre-roll out requirements stipulated in Planning Policy Guidance Note 8 (PPG8). The assessment of the proposal can be categorised under three main headings:

- 1 Need for the development
- 2 Impact of the development within the landscape
- 3 Health issues associated with the development

Need for the Mast

6.2 The mast is required to provide both basic mobile phone coverage (second generation-2G) and third generation (3G) coverage for the Storrige and Cradley area. The applicants have provided coverage plots to demonstrate that existing coverage within the area is of insufficient strength to provide a continued and reliable service. In fact, there is little or no coverage in the locality around the site for the mast. The mast is also proposed to enable the applicants to proceed with the rollout of the third generation telecommunications technology. 3G Technology provides mobile phone users with enhanced services such as Internet, email, picture messaging etc. Each mobile phone operator is required under the terms of the licence to provide a 3G network covering 80% of the population by 2007. This combined with increased usage of mobile phone technology means that both existing mast installations have to be upgraded and further masts are required. 3G Technology in particular operates at higher frequencies, but can only travel shorter distances. As such the technical constraints of 3G Technology are that further base stations are required over a smaller geographical area.

6.3 Planning Policy Guidance Note 8 states that planning authorities should have regard to any technical constraints on the location of the proposed development. The need for the mast both in terms of basic coverage provision and as part of the wider network in the area is a material planning consideration and therefore must be given due weight. Four alternative sites in the area were explored as required by PPG8 and have proved to be inappropriate largely as they would not provide the required signal coverage. Your

officers are satisfied that the need has been satisfactorily demonstrated and the chosen site is the most appropriate in terms of coverage provision.

Impact of the Development within the Landscape

6.4 This is a particularly important consideration given that the mast is to be sited within the Area of Outstanding Natural Beauty. The mast and antenna is required at a particular operating height, which allows coverage to be provided without significant obstruction from topography or vegetation. As such, whilst there is existing tree coverage within the area, the top section of the mast will be visible from a southerly and easterly vantage point during the summer and more so during the winter when the trees have lost their foliage. The mast will also be clearly visible from the adjoining Public Right of Way. However, much of the mast is viewed against a backdrop of existing trees and where this is not the case, there is higher ground in the middle distance which also forms a backdrop.

6.5 A slim line lattice mast is also proposed which is triangular in shape measuring around 700mm in width. This is the smallest form of slim line lattice mast available. The small dimensions allied with the fact that it will be transparent and is to be painted olive green will further assist in minimising the impact of the development within the AONB. Therefore, whilst it is acknowledged that the mast will not conserve or enhance the landscape qualities of the Area of Outstanding Natural Beauty, it is not considered that the impact is so significant as to warrant refusal. This view is shared by the Council's Landscape Officer who states that while the mast will have a slight adverse impact on the Area of Outstanding Natural Beauty from some viewpoints, on balance, the site is acceptable in visual terms.

Health Effects

6.6 The third consideration when assessing such proposals is the possible health risks of the mast. This would appear to be the principal concern of the majority of the objectors who have particular concerns about the proximity of the mast to the new primary school currently being constructed around 500 metres south of the site. The health risks can be summarised as the electromagnetic fields (EMF's) transmitted from the mast and its antenna. All new mast installations are required to meet the International Commission on Non Ionising Radiation Protection (ICNIRP) standards. PPG8 states "... the planning system is not the place for determining health safeguards. If a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in the processing of an application for planning permission to consider further the health aspects and concerns about them". The applicants have submitted a statement confirming that the proposed installation would meet ICNIRP's guidelines. In fact, the radio frequency level exposure from the mast is 0.0055 watts per square metre at a distance of 285 metres. This is over 18,000 times lower than the recommended ICNIRP maximum exposure standard of 9 watts per square metre. As such the requirements laid out by Central Government in relation to the health issues have been satisfied.

6.7 In addition, the Advisory Group on Non-Ionising Radiation (AGNIR), which is an update of the Stewart Report produced by the Government, published the results of their research on 14th January 2004. This group has analysed the findings of the Stewart report and all related research on mobile phones to date. The conclusions of the AGNIR report replicate that of the Stewart Report in that there is no evidence that mobile phones or masts have an adverse health impact. "Exposure levels from living near to mobile phone base stations are extremely low and the overall evidence indicates that they are

unlikely to pose a risk to health” (AGNIR report). Therefore, based upon the information, advice and research undertaken thus far and particularly the guidance contained within the current adopted Development Plan policies and PPG8 outlined above it is not considered that the mast will pose any unacceptable health risks for nearby properties or Cradley primary school beyond.

6.8 The applicants have also indicated that it is possible for the existing mast to be shared with other operators depending upon their technical constraints and operational needs. This is a further consideration in assessing the appropriateness of the development, as it is likely that other operators will be seeking coverage in the application area over the next few years.

6.9 The applicants have therefore demonstrated a need for the mast to provide both 2G and 3G coverage within the search area and that the mast satisfies all the current Government health considerations in terms of emissions. The mast will have an impact within the Area of Outstanding Natural Beauty and arguably, will have an adverse impact in the landscape. However, weighing up all the other considerations associated with application including the need for coverage in the area, the proposal is considered acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A08 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCNE2003/3185/F - ERECTION OF TREE HOUSE AT THE GOULDINGS, OLD CHURCH ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6ET

For: Mr & Mrs D & P Bounds at same address

Date Received:
21st October 2003

Ward:
Hope End

Grid Ref:
75659, 42881

Expiry Date:
16th December 2003

Local Members: Councillor R. Mills and Councillor R. Stockton

1. Site Description and Proposal

- 1.1 The site is located to the north of C1162 known as Old Church Road bordered to the east by Cowl Barn Lane within Colwall. The site comprises of a large detached dwelling with a number of integral and detached outbuildings, part of which was formerly used as a doctor's surgery. Ground levels rise slightly from south to north with the garden being elevated approximately 1 metre above the level of the adjoining road. The southern (roadside) boundary is enclosed by a mixture of mature and semi mature trees and a mature hedge exists along the western boundary of the garden. The trees along the southern boundary are protected by a group Tree Preservation Order no. 45. The site also lies within Colwall Conservation Area, Malvern Hills Area of Outstanding Natural Beauty and is also designated as an Area of Great Landscape Value.
- 1.2 The applicants wish to construct a purpose built tree house in the south western corner of the garden adjacent to the road. The tree house has been designed and will be constructed if approved by a specialist company based in Ayrshire, Scotland. It is to be constructed from a timber frame clad with weatherboarding under a pitched cedar shingle roof and is large enough to accommodate a six-seater dining table. The tree house is to be mounted on timber supports at a height of 1.8 metres with the total height to the ridge of the roof being 4.9 metres above ground level. The tree house itself measures 3 metres by 4.2 metres by 3.3 metres in height with the addition of a small balcony area measuring 3 metres by 2 metres.

2. Policies

Hereford and Worcester County Structure Plan

CTC1 – Areas of Outstanding Natural Beauty
 CTC2 – Areas of Great Landscape Value
 CTC7 – Listed Buildings in Conservation Areas
 CTC9 – Development Requirements
 CTC15 – Conservation Areas

Malvern Hills District Local Plan

Conservation Policy 1 – Preserving or Enhancing Conservation Areas
 Conservation Policy 2 – New Development in Conservation Areas
 Landscape Policy 2 – Areas of Outstanding Natural Beauty

Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

HPA6 – New Development within Conservation Areas

LA1 – Areas of Outstanding Natural Beauty

LA2 – Landscape Character and Areas Least Resilient to Change

LA5 – Protection of Trees, Woodlands and Hedgerows

H18 – Alterations and Extensions

DR1 – Design

S2 – Development Requirements

3. Planning History

MH1396/77 – Extension of surgery – approved 25th August 1977.

MH2509/79 – Slight enlargement and alterations to present laundry room at rear premises. To continue use as laundry room – approved 12th December 1979.

NE2003/3386/F – Proposed replacement garden room and new porch – approved 5th January 2004.

NE2003/3389/C – Demolition of single storey building and garden room to rear of property – approved 5th January 2004.

4. Consultation Summary

Statutory Consultations

None required.

Internal Council Advice

- 4.1 Head of Engineering and Transport has no objection.
- 4.2 Public Rights of Way Manager comments as follows: 'Development would not appear to affect Public Footpath CW10 or Public Byeway CW58 and there is no objection to the proposal.'
- 4.3 The Chief Conservation Officer raises concerns regarding the impact of the development within the Conservation Area but is satisfied with the impact of the proposal on the trees protected by Tree Preservation Order.

5. Representations

- 5.1 Colwall Parish Council object to this application as the building is of type that is unsuitable due to its size and height particularly within a Conservation Area. The objection also relates to the possible damage to trees on the site and the Parish Council recommend that the County Arboriculturalist be consulted.

5.2 Two letters of objection have been received from:

Elizabeth Leitch, Hadley, Old Church Road, Colwall
M. Nash, The Grey House, Old Church Road, Colwall

The main points raised are:

- a) The building is over 20 feet high from the road and just 15 feet from my boundary. I will lose my privacy in the front and rear garden as the structure will tower over everything around it.
- b) The structure when viewed from the road will be totally out of keeping with its environment.
- c) Trees or major parts of the trees will eventually have to be removed which will be against the interests of the Conservators.
- d) The footprint is too large for the garden it is associated with.
- e) The structure could be converted to living accommodation in the future.

Supporting information including an arboriculturalist report has been provided by the applicant, which will be referred to in the officer's appraisal.

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

6. Officers Appraisal

6.1 This proposal is clearly a little unusual and therefore to assist members in their consideration of the application, the report has been broken down into three main issues:

Impact of the Development within the Conservation Area

The Tree house is to be sited in the south western corner of the existing garden amongst a group of mature trees, which extend along the full length of the southern boundary bordering the road. More specifically, the tree house is to be positioned around 5 metres from the edge of the pavement tucked behind an existing mature conifer. These trees, which are predominantly evergreen, provide a relatively dense screen and even in the winter, do not allow views into the garden from the road. Despite the extent of existing screening, glimpse views of the structure will still be visible from the roadside. This is particularly so given the scale of the tree house with regards to its height which will be around 6 metres above the level of the adjoining road taking into account the difference in ground levels.

The scale of the tree house must however be balanced against the proposed materials from which it is to be constructed. This being round treated timber posts supporting the main structure which is constructed from timber frame clad externally with natural cut pine with a bark edge and internally clad with tongue and groove boarding under a cedar shingle roof. The balcony area is constructed from a timber frame with ridged redwood flooring enclosed with a natural willow balustrade accessed by a spiral steps constructed from treated Douglas fir. The applicants have also amended the plan slightly by replacing the proposed dormer windows with velux roof lights within the roof. Therefore, whilst the tree house is large, it is to be constructed from high quality natural materials, which will give the development a rustic appearance thereby assimilating it into its environment.

The Conservation Officer is concerned with the visual impact of the proposal and consequently that it would not preserve or enhance the character and appearance of the Conservation Area. However, your officer's consider that the combination of its siting away from the road, the existence of the mature trees which would entirely surround the tree house and the materials proposed are sufficient to ensure that the character and appearance of the Conservation Area is preserved and also that the development would not appear unduly prominent or physically invasive from the roadside.

Impact of the Development on the Protected Trees

A group Tree Preservation Order protects all of the trees on the southern boundary of the site including those in the neighbour's garden immediately to the west. These trees are therefore currently protected against any trimming, lopping or removal and would be in the future if permission were given. The applicants have also provided a detailed tree survey to demonstrate that the tree house will not result in damage to any of the existing trees and also that only four small branches not greater than 40mm in diameter would have to be removed to construct the tree house. The branches to be removed have been specifically identified and the site will remain well screened even after the removal of the branches.

Furthermore, the tree house is designed and built around the specific constraints of each location. For example, where a trunk, bough or branch runs through a tree house a specialist product known as Neoprene is used which ensures a long lasting and flexible seal between the tree house and the branches ensuring that no limbs or bark are removed. The tree house is also supported entirely by a timber post and there are no fixings to surrounding trees or shrubs. The supporting posts can also be positioned in different locations to avoid existing trees and their roots. As such, the applicants have satisfactorily demonstrated that the tree house can be constructed without the loss or damage of any of the existing protected trees. The Conservation Officer is also satisfied with the information and tree survey provided in terms of the protection of the trees.

Impact on the Amenity of Neighbouring Properties

As outlined above, the site for the tree house is largely surrounded by mature trees. These trees not only minimise the visual impact of the development but also prevent any direct overlooking of neighbouring properties or their gardens. The principal outlook from the tree house and balcony will be northwards towards the applicants own property and garden. Mature trees and a hedgerow prevent any direct overlooking of the property or its garden immediately west of the site whilst the existence of the trees along with the distance and position of the road ensure that privacy is retained for the properties south of the site. As such there will be no loss of privacy through overlooking from the tree house.

Concerns have been expressed by objectors regarding the possible use of the tree house. The applicant has confirmed that the tree house is to be solely for recreational purposes by his family. In particular, it is to be used as a quiet haven for reading, writing and occasional family meals. The tree house will be provided with an electricity supply for lighting and heating but will have no other services such as gas, water, drainage or telephone and it is not intended for sleeping accommodation or any form of business use. Your officers are satisfied that subject to stringent conditions, the use of

the tree house can be limited to uses ancillary to the existing dwelling thereby preserving the neighbour's amenity.

On balance, it is considered that whilst the proposal is large, it is sited and designed to ensure that the character and appearance of the Conservation Area is preserved, the Tree Preservation Order trees are protected and there will be no undue loss of amenity to surrounding properties.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)(received 17th December 2003 and plans received 21st October 2003)

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

3 - The development shall be constructed in accordance with the Tree Survey provided by Mr John Harris and received by the local planning authority on 17th December 2003. No other trees or hedgerows within the application site shall be removed, felled, lopped, pruned or damaged in any way without the prior written consent of the local planning authority.

Reason: In order to protect the existing trees in the interests of safeguarding the character and visual amenities of the area.

4 - E29 (Use ancillary to existing dwelling only)(tree house)(The Gouldings)

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

5 - F14 (Time restriction on music)

Reason: In order to protect the amenity of occupiers of nearby properties.

Note to applicant:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester District Local Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

CTC1 - Areas of Outstanding Natural Beauty

CTC2 - Areas of Great Landscape Value

CTC7 - Listed Buildings in Conservation Areas

**CTC9 - Development Requirements
CTC15 - Conservation Areas**

Malvern Hills District Local Plan

**Conservation Policy 1 - Preserving or Enhancing Conservation Areas
Conservation Policy 2 - New Development in Conservation Areas
Landscape Policy 2 - Areas of Outstanding Natural Beauty
Landscape Policy 3 - Development in Areas of Great Landscape Value**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**12 DCNE2003/3344/F - NEW BUNGALOW AND
DETACHED GARAGE AT THE PRIORY GATEHOUSE,
WORCESTER ROAD, LEDBURY, HEREFORDSHIRE,
HR8 1PL****For: Mr & Mrs D Studman per Mr B Mills, Henry Mein
Partnership, 12 Clarenmon Street, Nottingham,
NG1 5HG****Date Received:
6th November 2003****Ward:
Ledbury****Grid Ref:
71244, 37631****Expiry Date:
1st January 2004**

Local Members: Councillor B. Ashton, Councillor P. Harling, and Councillor D. Rule MBE

1. Site Description and Proposal

- 1.1 The site is located to the northern side of the A449 known as Worcester Road within Ledbury. The application site is an elongated strip of land running in a north-south direction which currently forms part of the applicant's garden. Access is gained via an existing access off Worcester Road which also serves a number of other properties including The Priory which is converted to a number of flats and Eastnor House development which permission was approved last year for conversion to a number of residential units. Immediately east of the site is The Rectory which is a relatively modern dwelling, to the west is The Priory, south is the applicant's existing property and to the north is St. Michael and All Angels Church which is Grade I listed and Abbots Lodge which is also a listed building. Both within and surrounding the site are a number of mature and semi-mature trees and shrubs. Ground levels fall gently from east to west.
- 1.2 The site lies within the Settlement Boundary for Ledbury and also falls within Ledbury Conservation Area as identified in the Malvern Hills District Local Plan. Land immediately north and east of the site is designated as an Area of Great Landscape Value and the vehicular access to the site is also designated as a public right of way.
- 1.3 The applicant's propose the construction of a two-bedroomed detached bungalow along with a detached single car garage on the application site. The existing access serving the applicant's property is to be utilised with a new driveway being created to serve the proposed bungalow.
- 1.4 The plans have been amended from that which was originally submitted as follows:
 - Reduction in the length of the bungalow by 4 metres
 - Repositioning of the bungalow a further 5 metres southwards within the site
 - Reduction in the amount of glazing on the eastern elevation
 - Removal of the car port
 - Amendments to the design

2. Policies

PPG15 – Planning and the Historic Environment

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas Outside the Greenbelt

CTC7 – Landscape Features

CTC9 – Development Requirements

CTC15 – Conservation Areas

CTC18 – Development in Urban Areas

Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns

Housing Policy 3 – Settlement Boundaries

Housing 18 – Tandem and Backland Development

Conservation Policy 2 – New Development in Conservation Areas

Conservation Policy 11 – Setting of Listed Buildings

Conservation Policy 17 – Development within Archaeologically Sensitive Areas

Landscape Policy 8 - Landscape Standards

Herefordshire Unitary Development Plan (Deposit Draft)

S3 – Housing

H1 – Hereford and the Market Towns Settlement Boundaries and Established Residential Areas

H13 – Sustainable Residential Design

H16 – Car parking

S6 – Transport

T6 – Walking

T11 – Parking Provision

LA5 – Protection of Trees, Woodlands and Hedgerows

HBA4 – Setting of Listed Building

HBA6 – New Development within Conservation Area

HBA9 – Protection of Open Spaces and Green Spaces

3. Planning History

NE1999/1781/F - Erect a garden shed and summer house with veranda - Approved 2 August 1999

MH1423/80 - Conversion of existing garage block to form dwelling - Approved 4 August 1980

4. Consultation Summary

Statutory Consultations

- 4.1 Forestry Commission - The application is within 500 metres of ancient semi-natural woodland. However, the scale of the proposal is such that there will be no effect on the woodland and consequently we have no comment to make on this occasion.
- 4.2 Welsh Water – no objection.

Internal Consultation Advice

- 4.1 Head of Engineering and Transportation recommends a condition relating to the surfacing of the vehicular access drive and parking area and comments as follows:
- “The site proposes to use the existing access to The Priory development which provides an adequate junction with the Worcester Road. The use of the access and its proximity to the traffic lights was considered by a Transportation Manager on the onset of The Priory development and deemed satisfactory”.
- 4.4 Public Rights of Way Manager states: The proposed development would not appear to affect the public footpath ZB21.
- 4.5 County Archaeologist state: The site is within the Recorded Medieval Settlement of Ledbury close to the former Bishops Palace site and is archaeologically sensitive. I recommend a standard condition requiring an archaeological survey to be undertaken prior to work commencing.
- 4.6 Chief Conservation Officer – There are no objections in principle to the erection of a bungalow on this site but the siting and scale of any development will be fundamental to the acceptability of the proposals. The development will have greatest impact when viewed from the churchyard to the north. The area currently has a relatively open aspect with views across mature gardens and dwellings beyond creating a high quality environment. There are concerns that the bungalow impinges upon these views .

5. Representations

- 5.1 Ledbury Town Council – recommend refusal for the following reasons:
1. Overdevelopment of the site.
 2. Inappropriate development in a Conservation Area/Historical Site.
 3. Dangerous access and egress.
- 5.3 Six letters of objection have been received from:
- Ledbury and District Trust Limited
David Tombs, Abbots Lodge, Church Lane, Ledbury.
Mrs Helen Davies, 29 Viking Way, Ledbury.
Mrs Jessie Kennedy, Flat 1, The Priory, Ledbury
Miriam Maldwyn Evans, The Priory, Ledbury
Mr Philip Burford of Hook Mason Architects on behalf of the Diocese of Hereford

The main points raised are:

1. The site lies within the Conservation Area, is adjacent to the parish church and is surrounded by listed buildings. Whilst we are aware that infil sites provide the only permitted form of development in the town at present, this policy should not be used as an excuse for unsympathetic and intrusive buildings.
2. The dwelling is to be 'shoe-horned' into the site with little amenity space or room to move around outside and will be entirely out of character with the surroundings and lead to a very cramped development.
3. The development may lead to damage or loss of attractive trees along the boundaries of the site or pressure for their removal in the future.
4. My living room windows will be directly overlooked and my privacy invaded.
5. Approval of this development could lead to further applications for housing in this very beautiful and historical heart of the town.
6. The plan is inaccurate as it identifies three outbuildings within The Priory where as only one exists.
7. When the Eastnor House development is completed, there will be over thirty cars using this difficult and dangerous access which is not wide enough for two vehicles to pass one another, a further bungalow will exacerbate the existing problems.
8. The development will be detrimental to the designation of the area as a Conservation Area.
9. The access is so dangerous that I am seriously considering whether I will ever exit the site in a vehicle again.
10. The development will devalue nearby properties

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

6. Officers Appraisal

6.1 The applicant's propose the construction of a two-bedroom detached bungalow with ground floor accommodation only on the strip of garden associated with their existing property known as The Priory Gatehouse. As detailed in part 1 of the report, the plans have been amended to address concerns by officers and objectors. However, the objections lodged remain relevant to the revised proposal. The principle of constructing residential development on the land in question is acceptable, as it constitutes backland development within an urban area. The relevant considerations in assessing the acceptability of the proposal can be surmised as follows:

Impact on the Conservation Area and nearby listed buildings.

The Chief Conservation Officer is satisfied with the principle of constructing a bungalow on the site in question. The impact within the Conservation Area is minimised through the proposal being single storey and relatively low in height to the ridge (5.5 metres). Furthermore, the bungalow is to be excavated into the rising ground to further reduce its visual impact within the site. High quality materials are proposed, namely clay tile roof with brick walls, which will be in keeping with nearby properties such as The Priory. The bungalow has an elongated form due to the physical dimensions of the site but the design also mimics the applicant's existing property in terms of its form and appearance. The two gable protrusions assist in breaking up the mass of the bungalow whilst adding interest to the design and appearance. Due to its narrow width it is inevitable that any development on site will have to be built reasonably close to the boundary but the scale is not considered to be excessively large and is generally commensurate with the size of the plot. This is particularly the case now that the bungalow has been reduced in length by 4 metres. No trees are to be removed to construct the bungalow.

The Conservation Officer is concerned that the proposal will interrupt the views from St Michaels Churchyard and remove the open aspect, which currently exists. Your officers are satisfied that the bungalow will generally not detract from the setting of Abbots Lodge or St Michaels Church to an unacceptable degree. Furthermore, existing mature trees in the north-eastern corner of the site will assist in screening the development from the church itself and the churchyard. Nevertheless, the applicants have agreed to move the bungalow southwards so as it is a further 5 metres away from the northern boundary with the churchyard in order to address the Conservation Officers concerns and retain open and uninterrupted aspect across the site and adjoining land from the churchyard.

Vehicular Access

The Transportation Manager is satisfied that the access is of a sufficient standard to accommodate the additional traffic associated with the proposed bungalow. The access drive and parking areas within the site are also to the satisfaction of The Transportation Manager in terms of the parking provision and vehicle manoeuvring/turning area.

Impact upon the amenity and surrounding neighbours

The bungalow has been designed so as to minimise the impact on surrounding properties and particularly the occupants of The Rectory and The Priory immediately east and west of the site. The siting of the development does not intrude into the outlook from The Rectory, which is orientated in a south-westerly direction. Furthermore, The Rectory is at a higher level than the proposed bungalow and therefore any outlook will largely be above the roof of the bungalow. All windows on the eastern elevation are also to be obscure glazed to secure privacy for the occupants of the bungalow. Windows are proposed serving the kitchen on the western elevation with outlook towards The Priory. However, the nearest part of the bungalow will be around 27 metres from The Priory itself, which is considered sufficient distances to retain privacy for both properties. The positions of the windows on the western elevation are such that the outlook is obscured by existing shrubs and vegetation further minimising any direct overlooking of The Priory or its garden. The applicant's existing property will also retain sufficient land to provide adequate garden, parking and vehicle manoeuvring area. There is also sufficient distance between the proposed access drive and the existing property so as not to adversely affect the amenity through additional vehicle

movements particularly as their existing property is immediately adjacent to Worcester Road.

- 6.2 Whilst the development will lead to the loss of an area, which is currently open garden the development will satisfactorily preserve the character and appearance of the Conservation Area. The development is therefore considered acceptable in accordance with relevant Development Plan Policies and Government Guidance contained within Planning Policy Guidance Note 15 in particular.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: In order to bring any future development under the control of the local planning authority in the interests of safeguarding the character and appearance of the area.

- 4 - D01 (Site investigation - archaeology)**

Reason: To ensure the archaeological interest of the site is recorded.

- 5 - E01 (Restriction on hours of working)**

Reason: To safeguard the amenities of the locality.

- 6 - 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.

- 7 - E18 (No new windows in specified elevation)**

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

- 8 - E19 (Obscure glazing to windows)**

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

Note to Applicant:

- 1 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

- H16A - Housing in Rural Areas
- H18 - Housing in Rural Areas Outside the Greenbelt
- CTC7 - Landscape Features
- CTC9 - Development Requirements
- CTC15 - Conservation Areas
- CTC18 - Development in Urban Areas

Malvern Hills District Local Plan

- Housing Policy 2 - Development in Main Towns
- Housing Policy 3 - Settlement Boundaries
- Housing 18 - Tandem and Backland Development
- Conservation Policy 2 - New Development in Conservation Areas
- Conservation Policy 11 - Setting of Listed Buildings
- Conservation Policy 17 - Development within Archaeologically Sensitive Areas
- Landscape Policy 8 - Landscape Standards

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCNE2003/3437/F - APPLICATION UNDER SECTION 73 TO PROCEED WITH THE DEVELOPMENT WITHOUT COMPLIANCE WITH CONDITION 15 (PLANNING PERMISSION NE2002/2904/O) ON SITE AT ROSE AND COOMBE COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

For: Mr H Kent per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG

Date Received:
17th November 2003

Ward:
Hope End

Grid Ref:
71128, 40138

Expiry Date:
12th January 2004

Local Members: Councillor R. Mills and Councillor R. Stockton

1. Site Description and Proposal

1.1 The site is located on the eastern side of unclassified road 66401 known as Floyds Lane within the village of Wellington Heath. Until approximately 40 years ago two dwellings occupied the site but both were demolished and the site is currently undeveloped. The northern, eastern and southern boundaries are enclosed by existing hedges and the roadside frontage remains open. Ground levels fall relatively steeply eastwards and to a lesser extent southwards within the site. The site is largely surrounded by existing residential development to the north, east and south and the western side of Floyds Lane. The site lies within the Malvern Hills Area of Outstanding Natural Beauty, is also designated as an Area of Great Landscape Value and falls within the present settlement boundary for Wellington Heath as defined in the Malvern Hills District Local Plan.

1.2 Outline planning permission was approved on 29th January 2003 for the construction of a single dwelling on the site in question. Condition 15 of the planning permission states:

'The development hereby permitted is for the construction of a single storey bungalow with ground floor accommodation only.

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

The applicants now wish to proceed with the development approved on 29th January 2003 without complying with condition 15 of the permission.

2. Policies

Hereford and Worcester County Structure Plan

H16a – Housing in Rural Areas

H18 – Housing in Rural Areas Outside the Greenbelt
CTC1 – Areas of Outstanding Natural Beauty
CTC2 – Areas of Great Landscape Value

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

H7 – Housing in the Countryside Outside Settlements
H14 – Reusing Previously Developed Land and Buildings
LA1 – Areas of Outstanding Natural Beauty
LA2 – Landscape Character and Areas Least Resilient to Change
LA3 – Setting of Settlements

3. Planning History

NE2003/2904/O – Site for erection of one dwelling – Outline Planning Permission approved 29th January 2003.

N98/0157/O – Site for one dwelling – Outline Planning Permission refused 16th September 1998.

MH88/2248 – Proposed dwelling on the site of Rose and Coombe Cottages demolished 1966 - Planning Permission refused 19th September 1988. Appeal dismissed 27th July 1990.

NH78/1950 – Proposed house – Planning Permission refused 9th October 1978.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection.

5. Representations

5.1 Wellington Heath Parish Council recommend the approval for a dwelling on this site subject to the following conditions:

1. The roof line of the dwelling should be no higher than the roof line of adjacent properties in order to reduce the visual intrusion of the development on the Area of Outstanding Natural Beauty and to prevent overlooking of neighbouring properties.
2. The footprint of any dwelling including any garage should be restricted to that shown on the plans accompanying the Outline permission in order to prevent the

dwelling overcrowding the site and to maintain the relationship between the dwelling size and plot size of the local area.

5.2 Four letters of objection have been received from:

Peter Constantine, Orchard Lodge, Floyds Lane, Wellington Heath
Mrs. S Blundell, Woodfields, Floyds Lane, Wellington Heath
Francis Bradley, Pear Tree Cottage, Floyds Lane, Wellington Heath
Mr. & Mrs. Moore, Vine Cottage, Floyds Lane, Wellington Heath

The main points raised are:

- a) Approval of the development will be detrimental to the village environment in that a house of substantial bulk could be constructed on a small plot overlooking adjoining properties.
- b) The dwelling would overlook adjacent properties and their gardens reducing privacy, light and general amenity.
- c) The bungalow south of the site would be dominated by a two-storey dwelling, which would of necessity be extremely close to the boundary on elevated land. Planning permission was also refused for the provision of a first floor on this bungalow.
- d) The development would also be highly visible from the much-used footpaths across the valley.
- e) The reasons for all of the conditions attached to the original outline planning permission have not changed and therefore should remain.

5.3 The applicant's agent has written letters in support of his client's case. The main points made are:

1. The condition fails the important test set out in Government Circular 11/95 relating to necessity and reasonableness of the condition.
2. The properties which adjoin the site on all sides have two storey elements and therefore a wholly single storey approach would be out of character.
3. We have a duty to make the best use of land and this is not achieved by compliance with condition 15.
4. The local planning authority will retain control over the design of the dwelling or its ability to provide a proper transition between adjoining properties. This transition can be achieved by careful attention to both eaves and ridge heights.

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

6. Officers Appraisal

6.1 The applicants wish to proceed with the development approved under planning permission reference NE2002/2904/O for the construction of a single dwelling without complying with condition 15. Condition 15 restricts the development on site to a single storey bungalow with ground floor accommodation only. As such, the principle of constructing a dwelling on the site has been established. The consideration is therefore whether the condition is reasonable and necessary having regard to the site and its immediate surroundings.

- 6.2 The site is large enough to accommodate a modestly sized dwelling. Existing developments within the area are not characterised by a particular scale, form or design of dwelling. The locality is made up of a mixture of houses, bungalows and dormer bungalows set within varying sized plots. As such, there is no particular pattern of development, which should be used to guide the development of the site.
- 6.3 The development of the site will be dictated by the proximity and height of adjacent properties to the north, south and east and the difference in ground levels both with and surrounding the site. The property to the north known as Woodfields is a split-level dwelling being single storey on the Floyds Lane side and full two storeys from the east. The property immediately east of the site is a modestly sized two storey dwelling whilst to the south is a dormer bungalow. As such, there is a gradual fall in roof heights from north to south, which will mean that only a relatively low development would be appropriate for the site. However, it is considered that a dormer style dwelling for example could be accommodated on the site without being unduly prominent or having a significant adverse impact on the amenity of surrounding properties.
- 6.4 Neighbouring amenity is further safeguarded through the other conditions imposed on the Outline Planning Permission such as condition 14 which requires the retention of all the existing boundary trees and hedges, and conditions 12 and 13 which requires details of the slab levels and earth works to be submitted to ensure that the development is constructed at a height appropriate for the site. The local planning authority can also maintain control over the height of the development on site through the Reserved Matters application where the siting, scale and design of the dwelling will be considered. If at this stage, the development is considered to be excessively high within the site and consequently unacceptable, the Reserved Matters application can be refused.
- 6.5 Therefore, it is considered that the site could accommodate a low two storey dwelling subject to the footprint, design and slab level being appropriate and commensurate with the size of the site and its surroundings. These matters can be satisfactorily controlled through the reserved matters application and the relevant development plan policies.

RECOMMENDATION

That planning permission is granted.

Note to Applicant:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

H16a - Housing in Rural Areas

H18 - Housing in Rural Areas Outside the Greenbelt

CTC1 - Areas of Outstanding Natural Beauty

CTC2 - Areas of Great Landscape Value

Malvern Hills District Local Plan

Housing Policy 3 - Settlement Boundaries

Landscape Policy 2 - Areas of Outstanding Natural Beauty

Landscape Policy 3 - Development in Areas of Great Landscape Value

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

- 14 NW2003/0703/F & NW2003/0704/L - CONSTRUCTION
15 OF 11 NEW DWELLINGS & CONVERSION/EXTENSION
OF MILL INTO 4 APARTMENTS.
&
16 NW2003/1984/L -DEMOLITION OF RENDERED
EXTENSION.**

**AT THE FORMER D.G. GAMES SITE, THE OLD MILL,
WEOBLEY, HEREFORDSHIRE, HR4 8SH**

**For: Kingsmead Trust per Mr N La Barre, 38 South
Street, Leominster, Herefordshire, HR6 8JG**

**Date Received:
4th March 2003**

**Ward:
Weobley**

**Grid Ref:
40263, 51472**

**Expiry Date:
29th April 2003**

Local Member: Councillor J. Goodwin

Introduction

This joint report was deferred by Members at the Northern Area Planning Sub-Committee on 17 December 2003 primarily in view of concerns relating to the following issues :

- a) the overall design quality of the proposed development including a request for more detailed illustrative information;
- b) further consideration of the conversion and refurbishment of the existing extension to the Mill and;
- c) to request an additional financial contribution in respect of children's recreation provision.

It is advised that two artist impressions have been submitted showing the site in views from the Olde Salutation Inn to the east and from Back Lane to the north. These show the important frontage of the cottages and the Mill with its replacement extension. Furthermore, discussions with the applicant have secured an agreement to an additional financial contribution in lieu of children's recreational space. This would now be a total of £9,400 alongside the £15,000 in respect of educational provision in Weobley.

The attached report has been updated to address the concerns raised by Members and to incorporate the additional conditions reported at the meeting in December.

UPDATED REPORT**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.36 hectare plot, which occupies a very prominent and elevated location within the Weobley Conservation Area and immediately adjacent to Back Lane and Mill Bank. The site is primarily characterised by large areas of concrete hardstanding upon which stands two steel framed buildings and a concrete block storage building. The south west corner of the site next to the existing access is dominated by the four storey Grade II listed former corn Mill which has a later three storey warehouse extension.
- 1.2 The site was until recently occupied by DG Games and used for the sale of agricultural implements and machinery.
- 1.3 The prevailing character of the area is generally residential with some commercial uses, a listed terrace (Mill Bank Cottages) to the south, older detached properties to the west, modern infill development to the north and the car park associated with The Olde Salutation Inn to the east. To the south east of the site are the remains of Weobley Castle, a Scheduled Ancient Monument, the presence of which is acknowledged by the designation of the site and surrounding area within the Historic Core of Weobley. The site is within the defined settlement boundary for the village but is also designated as an Area of Great Landscape Value.
- 1.4 Access is currently derived from the two points immediately next to the listed mill and adjacent to the sites eastern boundary with The Olde Salutation Inn. Levels on site rise gently away from the northern and western boundaries to a high point at the southern end of the site to the rear of the gardens serving Mill Bank Cottages.
- 1.5 Another noticeable feature on site is a culverted watercourse which runs through the site in a northerly direction.
- 1.6 Planning permission and listed building consent is sought for the demolition of the existing modern buildings on site and the later extension to the listed Mill and its conversion and extension to provide 4 apartments together with the redevelopment of the remainder of the site for a total of 11 dwellings, a terrace of 3 dwellings (Plots 1 - 3), and 4 semi-detached units (Plots 4 -11). A new access road utilising the existing principal access into the site is proposed with garaging and screened communal parking together with hard and soft landscaping. A new pedestrian footpath would skirt along the northern and western boundaries of the site with 2 private pedestrian entrances serving Plots 1 - 5.
- 1.7 The application is accompanied by a Design Statement, Archaeological Evaluation and an Ecology Survey, relating to bats and birds.

2. Policies**PPG 3 – Housing****PPG 15 – Planning and the Historic Environment****Hereford & Worcester County Structure Plan**

Policy H15 Location of Growth

Policy CTC 2 Areas of Great Landscape Value

Policy CTC 3 Nature Conservation

Policy CTC 5	Archaeology
Policy CTC 9	Development Requirements
Policy CTC 13	Conversion of Buildings
Policy CTC 15	Conservation Areas
Policy CTC 18	Development in Urban Areas

Leominster District Local Plan (Herefordshire)

Policy A1	Managing The District's Assets And Resources
Policy A2(B)	Settlement Hierarchy
Policy A5	Sites Supporting A Statutorily Protected Species
Policy A9	Safeguarding The Rural Landscape
Policy A12	New Development And Landscape Schemes
Policy A14	Safeguarding The Quality Of Water Resources
Policy A16	Foul Drainage
Policy A17	Contaminated Land
Policy A18	Listed Buildings And Their Settings
Policy A21	Development Within Conservation Areas
Policy A22	Ancient Monuments And Archaeological Sites
Policy A23	Creating Identity And An Attractive Built Environment
Policy A24	Scale And Character Of Development
Policy A29	Loss Of Employment Sites Outside Industrial Estates
Policy A30	Redevelopment Of Employment Sites To Alternative Uses
Policy A49	Affordable Housing On Larger Housing Sites
Policy A54	Protection Of Residential Amenity
Policy A55	Design And Layout Of Housing Development
Policy A64	Open Space Standards For New Residential Development
Policy A65	Compliance With Open Space Standards
Policy A70	Accommodating Traffic From Development
Policy A73	Parking Standards And Conservation
Proposal WEO.2	– Historic Core, Weobley

Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1	Sustainable Development
Policy S2	Development Requirement
Policy S3	Housing
Policy S6	Transport
Policy S7	Natural and Historic Heritage
Policy DR1	Design
Policy DR2	Land Use & Activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning Obligations
Policy DR10	Contaminated Land
Policy H4	Main Villages : Settlement Boundaries
Policy H9	Affordable Housing
Policy H13	Sustainable Residential Design
Policy H14	Re-Using Previously Developed Land and Buildings
Policy H15	Density
Policy H16	Car Parking
Policy H19	Open Space Requirements
Policy E5	Safeguarding Employment Land and Buildings
Policy T11	Parking Provision
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA6	Landscape Schemes

Policy NC1	Nature Conservation and Development
Policy NC5	European and Nationally Protected Species
Policy HBA1	Alterations and Extensions to Listed Buildings
Policy HBA2	Demolition of Listed Buildings
Policy HBA 4	Setting of Listed Buildings
Policy HBA 6	New Development Within Conservation Areas
Policy ARCH 1	Archaeological Assessments and Field Evaluations
Policy ARCH 3	Scheduled Ancient Monuments
Policy ARCH 6	Recording of Archaeological Remains

Supplementary Planning Guidance : The Provision of Affordable Housing

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raise no objection subject to conditions in respect of investigating for contamination of the site and foul and surface water drainage.
- 4.2 Welsh Water raise no objection subject to conditions relating to the control of foul and surface water discharges from the site.
- 4.3 English Heritage raise no objection to the demolition of the rendered extension and the conversion/extension of the Grade II listed Mill building. No objection has been raised with respect to the principle of the new residential development and the Mill extension subject to careful control over the detailed design.
- 4.4 Ancient Monument Society raise no specific objection and the proposed conservation of the site is welcomed. Specific comments include support for the reinstatement of the original roof profiles, the retention of important internal features and iron casements and the control of conversion to ensure that it takes place contiguously with the development of the rest of the site.
- 4.5 Society for the Protection of Ancient Buildings raise no objection.
- 4.6 Council for British Archaeology raise no objection subject to the recording of the building for archival purposes.

Internal Council Advice

- 4.7 Head of Engineering and Transportation raises no objection subject to conditions relating to provision and retention of visibility at the junction with Mill Bank, provision of parking as proposed, retention of only one vehicular access to the site and the provision of the footpath link into the site.
- 4.8 Chief Conservation Officer raises no objection to the proposals in terms of works to the listed building and within the Weobley Conservation Area, the archaeological importance of the site, the ecological issues arising from the development of the site and the landscaping implications. A number of conditions are suggested and will be referred to in the officers appraisal and recommendation.

- 4.9 Chief Forward Planning Officer raises no objection in principle subject to agreement that the existing site has a negative impact although concern is raised at the lack of affordable housing which does not accord with thresholds set out in the Herefordshire UDP.

5. Representations

NW2003/0703/F (Initial Consultation)

- 5.1 A total of 18 letters of objection were received in response to the first consultation exercise from the following persons:

Mrs. S.L. Gale, Bryn Melyn, Weobley (2 letters)
Sargeants Brothers Ltd, Mill Street, Kington
Messrs Price, Newnett, Kington Road, Weobley
Gale Dyer, 3 Millbank Cottages, Weobley
Dr. M.J. Simon, Mill House, Weobley
J.B. Davies, Silver Birches, Back Lane, Weobley
Beth Davies, 4 Mill Bank Cottage, Weobley
G.E. Moorcroft, Littlebrook Cottage, Market Pitch, Weobley
Mrs. S.R. Williams, Marlbrook House, Weobley
M. Perkins, 4 The Berkeleys, Fetcham, Surrey
Mrs. S.C. Giles, The Old Forge, Mill Bank, Weobley
Mr. Giles, The Old Forge, Mill Bank, Weobley
Miss BJ Gross, 4c Timberdown, Wick, Pershore
C.E.D. Williams, Marlbrook House, Weobley
Miss L.M. Williams, Marlbrook House, Weobley
Russell Williams, Marlbrook House, Weobley
P. Hollenburg, Richmond, Weobley

NW2003/0704/L (Initial Consultation)

- 5.2 A total of 4 letters of objection were received in response to the first consultation exercise from the following persons:

Mrs. S.L. Gale, Bryn Melyn, Weobley
M. Perkins, 4 The Berkeleys, Fetcham, Surrey
Mr. Giles, The Old Forge, Mill Bank, Weobley
Mrs. S.C. Giles, The Old Forge, Mill Bank, Weobley

NW2003/1984/L

- 5.3 One letter of objection has been received in response to this application from Mr. Giles, The Old Forge, Mill Bank, Weobley.

- 5.4 The concerns raised can be summarised as follows :

- traffic calming and speed restrictions required
- additional house will create more danger on the roads
- additional car parking required
- access opposite our property is dangerous
- vehicles parked on roadside create problems for bus service
- development should provide sufficient parking

- construction vehicles should be contained on site
- houses not in-keeping, a disgraceful eyesore
- insufficient capacity to deal with more cars in the village
- poor visibility at the access
- loss of privacy through conversion of the mill
- fewer dwellings would be more appropriate
- play space welcomed
- dwellings should be 'black and white' designs
- scheme too overpowering
- additional parking on site required (2.5 spaces per dwelling)
- loss of openness on site harmful to character of area
- greater set back of dwellings needed
- part timber-framing should be incorporated into design
- mill stream an attractive feature
- height of house will block light out
- wishing well will be a magnet for youngsters
- increase in noise associated with residential occupation
- loss of light/privacy
- designs are those expected on an urban estate
- loss of views of existing mature trees and Castle Green
- potential impact on owls and bats
- concern regarding treatment of surface water
- terrace too close to roadside-visually oppressive
- access not in accordance with Highway Standards
- pond feature should be created at front of site to benefit the village
- no garden space provided with housing
- density of development too high
- site should be reduced in level down to existing road height

5.5 In addition to the individual responses, a signed petition with 47 signatures was submitted opposing the development on the grounds that it would create additional traffic problems and be out of keeping with the black and white character of the village.

5.6 Further to the initial consultation, two revisions to the proposal have been the subject of further consultation. The consultations on the revised plans have generated a further 21 responses from :

Mr. Giles, The Old Forge, Mill Bank, Weobley (3 letters)
Mrs. B. Havard, Bell Meadow, Weobley (2 letters)
Mrs. S.R. Williams, Marlbrook House, Weobley (2 letters)
Dr. M.J. Simon, Mill House, Weobley (2 letters)
C.E.D. Williams, Marlbrook House, Weobley (2 letters)
Russell Williams, Marlbrook House, Weobley (2 letters)
M. Perkins, 4 The Berkeleys, Fetcham, Surrey
Louise Pope and Phillip Harrison, Daisy Bank, Weobley (2 letters)
Mrs. G. Dyer, 3 Millbank Cottages, Weobley
Miss. L.M. Williams, Marlbrook House, Weobley (2 letters)
Mrs. L.M. Hamer, 4 Portland Street, Weobley
Mrs. S.L. Gale, Bryn Melyn, Weobley

5.7 The concerns raised reiterate those made previously and are summarised above.

5.8 A response has been received from the Steering Committee of Weobley Parish Plan. The concerns raised are as follows :

- concern over loss of open space and general amenity
- increased pressure for on-street parking and associated danger to pedestrians, cars and buses
- building character out of keeping with the village
- lack of affordable housing

5.9 Weobley Parish Council comment as follows on the revised scheme :

- setting back of housing and the pavement are welcomed
- design and layout of development unsympathetic
- development at the former primary school should not be repeated
- materials should blend in
- extension to Mill building does not complement the original building
- concern regarding lack of parking on site. Open parking spaces rather than garages would be more acceptable
- could the pavement be extended beyond to site across the front of The Salvation Inn
- what provision is made for street lighting
- stream should be exposed
- point of access is unsafe in view of lack of visibility and speed of traffic

5.10 A further letter received from Mr. Harrison of Dell Cottage, Weobley was reported, which stressed serious concerns in respect of pedestrian safety and the street lighting required in respect of the proposed footway.

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

6. Officers Appraisal

6.1 The proposed development of this site is the subject of separate applications dealing with the demolition of a later extension to the Grade II listed Mill, the demolition of modern outbuildings associated with the previously commercial use of the site, the works associated with the conversion and new extension of the listed Mill into 4 no. apartments (three 3 bed units and one 2 bed unit) and the development of the remainder of the site with a total of 11 dwellings (two 2 bed units and nine 3 bed units).

6.2 These applications have been the subject of lengthy discussions and remains highly sensitive and controversial, a situation clearly evidenced by the continuing number of local objections to the proposed development. The concerns raised cover a diverse range of issues but in broad summary the main issues for consideration in the determination of these applications are as follows :

- a) the principle of residential development including the loss of an existing employment site;
- b) the impact of the proposal upon the character, appearance and setting of the Weobley Conservation Area, the listed Mill and adjacent listed buildings;

- c) the impact of the proposal upon the sensitive archaeological constraints of the site (within the Historic Core and adjacent to the Scheduled Ancient Monument);
- d) ecological issues;
- e) highway safety and access issues;
- f) the impact of the proposal upon the amenities of neighbouring occupiers;
- g) non-provision of affordable housing and equipped children's play space and;
- h) drainage issues.

Principle of Residential Development

- 6.3 Policy A2(B) of the Leominster District Local Plan (Herefordshire) establishes that small scale development will be permitted within the defined settlement boundary although at the outset it must be recognised that in addition to the plethora of conservation and amenity related issues that are set out below, Policy A29 of the Local Plan does seek to protect existing employment sites subject to criteria.
- 6.4 In this case it is considered that the general appearance and historic use of the site for the sale and display of agricultural plant and machinery and the modern outbuildings in particular adversely affect the character, appearance and setting of the Grade II listed Mill and the Weobley Conservation Area. Furthermore, whilst the commercial activities associated with the site have now ceased it would have the potential to cause significant harm to residential amenity as well as traffic and access related problems.
- 6.5 The combination of these factors is such that potential enhancement of the site and local environment have been given greater weight than the retention of the site in employment use. It is considered that this represents the general consensus locally and as such no objection is raised to the broad principle of residential redevelopment.

Character, Appearance and Setting of the Conservation Area, Listed Mill and Adjacent Listed Buildings

- 6.6 The sensitivity of this site is clearly recognised and it is advised that the lengthy negotiations that have taken place with the applicant have focussed primarily on the need to preserve and enhance the Conservation Area and respect the setting of the Mill and the historic buildings around the site. Particular care has been taken with regard to the scale, design and siting of Plots 1-5 which front onto the road, since these will inevitably be the most prominent.
- 6.7 The height of these dwellings would now vary between 7 metres and 7.5 metres compared to the 8 metre to 8.5 metre height that was originally submitted. In addition to this reduction in scale, a set back of some 6-7 metres has been achieved from the front elevations of Plots 1-5 and the edge of the application site in recognition of its elevated nature and the desire to reduce the potentially over bearing effect upon the streetscene.
- 6.8 The proposed choice of materials which would introduce painted brick and roughcast render will serve to further reduce the visual impact of the development. It is advised that whilst these materials are characteristic of the Conservation Area in general, they

will also enable the red brick of the Mill and the exposed timber framing of the buildings adjacent to the site to remain visually dominant.

- 6.9 The conversion and extension of the listed Mill to provide 4 apartments would facilitate the enhancement of the building by re-instating the roof and removing the existing bulky rendered extension. The internal arrangements are such that the Mill itself will accommodate an open-plan kitchen and living room preserving this intrinsic element of its character whilst the bedrooms and bathrooms would be housed in the extension attached to the Mill by a recessed link enclosing the stairwell. The design of the extension itself seeks to complement the proportions of the Mill and again would utilise render in order for the red brick of the listed building to remain visually dominant in wider views of the site. In specific response to the concerns raised by Members in respect of the merits of demolishing the later extension to the Mill the following comments are made. The originally submitted proposal did include the conversion of this structure but it was considered that since it is not intrinsically important to the architectural character of the historic Mill, its demolition was not objectionable in principle. English Heritage and the other Amenity Groups have raised no objection subject to the architectural recording of the building.
- 6.10 Furthermore, its replacement with a building of smaller footprint enabled the site layout to be improved with particular benefits in respect of the siting of the plots fronting the main road. It also enabled a re-planning of the internal arrangements of the historic Mill such that a totally open plan layout could be more effectively achieved.
- 6.11 It is maintained that whilst the importance of the Mill extension in terms of the character and appearance of the listed building and the wider Conservation Area is a matter of opinion, there would be no objection to the demolition as proposed given the general benefits set out above and the improved relationship with Mill Bank Cottages referred to the paragraphs 6.27 and 6.28 below.
- 6.12 The internal layout including Plots 6-11, the new access road, parking and garaging are less visually sensitive than the treatment of the plots fronting the road and the listed Mill but nonetheless they are important elements of the scheme as a whole. The scale and siting of Plots 6-11 are such that as much of the open setting of the Mill is preserved by locating the dwellings as close to the site margins as possible and adopting a relatively simple and modest cottage type design incorporating dormers. The mature landscaping associated with Castle Green to the south and east of the application site would still be appreciated over the ridges of Plots 6-9 and the soft landscaping proposals adjacent to the new access road would serve to enhance views into the site from the junction with Mill Bank.
- 6.13 The site layout incorporates a combination of garage buildings and communal open car parking and the intention in this case has been to limit views of the car parking areas by the considered positioning of garage blocks and soft landscaping again preserving the setting of the Mill and the wider character and appearance of the Conservation Area.
- 6.14 In overall terms it is maintained that the redevelopment of this site represents an opportunity to enhance the village and whilst certain elements such as the opening up of the culverted stream have not been incorporated into the revised proposal due to concerns on behalf of the applicant in respect of health and safety and the prohibitive cost of public liability insurance cover, the scheme in its revised form will preserve the character and appearance of this historically sensitive part of Weobley in accordance with adopted development policy.

Archaeological Constraints/Historic Core of Weobley

- 6.15 The archaeological sensitivity of the site was established prior to the submission of the application, which was accordingly accompanied by an Archaeological Evaluation carried out by Archaeological Investigations Ltd. The advice from the Chief Conservation Officer based upon the findings of the excavation work is that there would be no objection of the development as proposed subject to a condition requiring the recording of any artefacts uncovered during the course of construction.

Ecology

- 6.16 The potential presence of bats and protected bird species was identified as a result of responses from local residents and accordingly an ecological appraisal was requested. The findings of the report indicate that the Mill is unlikely to support a bat roost although recommends that the development could incorporate measures to facilitate roosting and furthermore recommends that artificial swallow and housemartin nests are incorporated into the development and that the timing of works on the Mill should be so as to avoid the nesting season.
- 6.17 These issues could be covered by an appropriately worded condition.

Highway Safety and Access

- 6.18 It is clear from many of the objections raised that vehicular access to and from the site is a serious cause for concern. The proposal seeks to improve the existing access adjacent to the Mill by widening it and pulling it further away from the flank elevation of the building. It is advised that the resulting junction with Mill Bank would provide an acceptable level of visibility to the north and south having regard to the scale of the residential development proposed.
- 6.19 In addition to the above it should be recognised that the nature and extent of vehicular activity associated with this residential proposal would generally be less problematic than the continuing use of the site for commercial purposes which could attract larger vehicles that could not necessarily be controlled by planning legislation.
- 6.20 The other vehicular access adjacent to the boundary with The Salutation Inn would be permanently closed.
- 6.21 Throughout negotiations on this proposal concern has been raised in respect of the pedestrian footway skirting the site and the provision of private pedestrian access to Plots 1-5. A new 1.8 metre wide footway would be provided that in itself would improve pedestrian access to the village centre and the revised plans show the stepped and ramped private access points positioned at the margins of the site so as to limit the opportunity for nuisance parking in the highway. Consideration has been given to the extension of the footway beyond the application site but it has been concluded that there is no justification for this and furthermore that landownership and the limited width of the existing vehicular carriageway would make this impractical to achieve.
- 6.22 Concern has also been raised in respect of the level of parking proposed. In its revised form the development achieves a total of 2 parking spaces per dwelling which satisfies the adopted parking standards for two and three bedroom units. It is not therefore considered that there would be any grounds for refusal on this issue.

6.23 In conclusion, the Head of Engineering and Transportation has been involved closely throughout the negotiations that have taken place on this proposal and no objection has been raised in respect of the access, parking and highway safety issues associated with the development.

Neighbouring Amenity

6.24 In principle the re-use of this commercial site for residential purposes would stand to enhance the residential environment in the immediate vicinity of the site but the introduction of dwellings clearly brings with it the potential for overlooking and loss of privacy, daylight and sunlight.

6.25 In this respect the setting back of Plots 1 and 5 and the reduction in the height of the dwellings has significantly improved the relationship of the development to adjacent properties. A minimum distance of approximately 15 metres between Plots 1-5 and the nearest existing dwelling has been achieved and is considered appropriate in the context of the site.

6.26 It is acknowledged that the re-instatement of the pitched roof and the listed Mill would make the building approximately 3 metres taller than the existing although this additional height would be contained within a roof that would pitch away from Mill Cottage to the west and as such it is not considered that there would be any significantly harmful overbearing effect on this property.

6.27 The relationship of the Mill and its extension to Mill Bank Cottages to the south has been given specific consideration. Again, the additional height would not have a significant effect on the occupiers since it would be in the form of a pitched roof. It is considered that the demolition of the existing 10 metre high extension to the Mill would represent a significant enhancement to these properties in view of its proximity to the rear gardens. The proposed extension whilst taller at 11 metres would be some 2.2 metres away from the common boundary and would only project approximately 9 metres from the rear elevation of the Mill rather than the 13 metres of the existing extension.

6.28 In terms of privacy the south elevation of the proposed extension contains the same number of windows as the existing building and whilst overlooking into the rear gardens of Mill Bank Cottages will be possible from the bedrooms there would be no direct window to window relationship and certainly no greater impact than if the existing extension were converted into residential use or some other commercial use such as offices for example. In view of this existing relationship and the greater improvement made through negotiations, it is not considered that planning permission could be reasonably refused in respect of its impact on the occupiers of Mill Bank Cottages.

6.29 On a final point the balconies provided within the link between the Mill and its extension would be significantly recessed such that they would not materially affect the privacy of these residents.

Affordable Housing / Recreational Playspace

6.30 The site area and the proposed development for 15 dwellings is below the threshold for the provision of affordable housing that is established in Policy A49 of the Leominster District Local Plan (Herefordshire) and accordingly given the particular

costs and constraints associated with the development of the site it was not considered appropriate to secure any provision for affordable units.

- 6.31 It should be noted that the Herefordshire UDP establishes a much lower threshold requiring affordable housing provision on sites of 6 or more dwellings. Having regard to the limited weight that can be attached to the UDP at present, the lengthy negotiations that have taken place on this application it is not considered that it would be reasonable to insist upon affordable housing provision at this lower threshold.
- 6.32 On the issue of the provision of recreational open space, the difficulties associated with developing the site have resulted in a view being taken that an adequately equipped playspace cannot realistically be incorporated into the scheme. Accordingly, the developer has accepted the principle of a suitable payment in lieu of off-site provision to be paid, which would be secured by way of a Section 106 Agreement.
- 6.33 In addition to this a commuted sum would also be sought by legal agreement towards maintaining/enhancing educational facilities in Weobley.

Drainage

- 6.34 With regard to sewage disposal, a mains connection is proposed and it is indicated that the existing storm water facilities on site would be retained and used in connection with the residential development proposed. No objection to this approach has been raised by Welsh Water and the Environment Agency subject to appropriate conditions.

Conclusion

- 6.35 The appropriate redevelopment of the DG Games site represents a significant challenge and has involved lengthy discussions with the applicant which have sought to address local concerns from the outset of the public consultation process. The revised scheme as proposed seeks to balance a number of conflicting issues particularly those of development density, conservation and residential amenity and represents what is considered to be an acceptable balance of these issues that is consistent with currently adopted development plan policy and relevant Government guidance.
- 6.36 It should be noted that in addition to the Section 106 Agreement, if approved it would be necessary to refer the application relating to the partial demolition of the Grade II listed Mill (NW2003/1984/L) to the Office of the Deputy Prime Minister.

RECOMMENDATION

NW2003/0703/F

- 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to provide :**
 - a) a financial contribution towards the provision of additional facilities at the local schools (£15,000)**
 - b) a financial contribution towards the maintenance/enhancement of existing recreational Playspace in the village (£9,400)**

2. Upon completion of the aforementioned planning obligation officers names 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 - A07 (Development in accordance with approved plans)
(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A and 24 Rev. A)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

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

4- B05 (Alterations made good)

Reason: To maintain the appearance of the building.

5 - C02 (Approval of details) (detailies of individual porches, details of the treatment of cills and window heads)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

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

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

7 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

8 - C09 (External repointing)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

9 - C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical interest.

10 - C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

11 - C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

12 - C19 (Commencement condition)

Reason: In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

14 - E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

15 - E16 (Removal of permitted development rights)

Reason: To safeguard the character, appearance and setting of the development and in the interests of local amenity.

16 - E18 (No new windows in specified elevation) (west elevation of Plot 11)

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

17 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

18 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

19 - Development shall not commence until a scheme to deal with the potential contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a full assessment to identify the extent of contamination and the measures to be taken to avoid risk to the buildings/environment. The measures approved in the scheme shall be fully implemented before the commencement of development.

Reason: To ensure contamination of the site is removed or contained.

20 - 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.

21 - G01 (Details of boundary treatments)

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

22 - G04 (Landscaping scheme) (hard and soft landscaping including the surfacing of the new access road)

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

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

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

24 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

25 - Prior to the commencement of the conversion/extension of the Mill building, a mitigation strategy in respect of provision for bats and nesting swallows/housemartins together with the timing of building and conversion works shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be fully implemented prior to the completion of the conversion/extension works.

Reason: To ensure that the nature conservation interest of the site is protected.

26 - The conversion and extension of the listed Mill as approved shall be carried out contiguously with the remainder of the development and shall be completed in accordance with the approved plans and elevations prior to the first occupation of any of the Plots 1-11 as shown on the approved plan.

Reason : To ensure that this important and integral element of the development is undertaken in a timely manner and to safeguard the character and appearance of the building.

27 - 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.

28 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

29 - H27 (Parking for site operatives)

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

30 - F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 31 - Foul and surface water must be drained separately and no surface water shall be allowed to connect to the public sewerage system.

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

Notes to applicant :

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN08 - Section 38 Agreement details
- 4 - HN09 - Drainage details for Section 38
- 5 - HN10 - No drainage to discharge to highway
- 6 - N02 - Section 106 Obligation
- 7 - N13 - Control of demolition - Building Act 1984
- 8 - ND03 - Contact Address
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC

NW2003/0704/L

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

- 1- C01 (Time limit for commencement (Listed Building Consent))

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

- 2- A07 (Development in accordance with approved plans)
(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A and 24 Rev. A)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3- B01 (Samples of external materials)

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

- 4 - B05 (Alterations made good)

Reason: To maintain the appearance of the building.

- 5- C02 (Approval of details) (detail of individual porches, details of the treatment of cills and window heads)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

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

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

7- C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

8- C09 (External repointing)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

9- C10 (Details of rooflights)

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical interest.

10- C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

11- C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

12- C19 (Commencement condition)

Reason: In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NW2003/1984/L

That:

- a) The intention to grant Listed Building Consent be notified to the Office of the Deputy Prime Minister**
- b) Subject to the Deputy Prime Minister confirming that he does not intend to call it in, Listed Building Consent be granted subject to the following conditions :**

1. C01 (Time limit for commencement (Listed Building Consent))

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

2. C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

- 17 DCNW2003/2576/G - THE DISCHARGE OF THE OBLIGATION TO PROVIDE FOR OPEN SPACE AS PER SECTION 106 AGREEMENT**
- &**
- 18 DCNW2003/1916/F - CHANGE OF USE OF PLAY AREA TO DOMESTIC GARDEN**
- AT BLACK BARN CLOSE, KINGTON, HR5 3FB**
- For: Tabre Developments per John Phipps,
Bank Lodge, Coldwells Road, Holmer, Hereford**

Date Received:
24th June 2003

Ward:
Kington Town

Grid Ref:
30286, 56249

Expiry Date:
19th August 2003

Local Member: Councillor T. James

Introduction

These applications were deferred at the Northern Area Planning Sub-Committee meeting on 12 November 2003 for further negotiations regarding the financial contribution offered by the applicant. Following the meeting both the applicant and Kington Town Council have been approached.

The applicant has confirmed a willingness to contribute £3,000 to off-site recreational provision in Kington. The original offer was £1,500 which was considered acceptable by officers following discussion with the Council's Leisure Development, Parks and Countryside service.

The Town Council's response requests a sum of £20,000 to cover the provision of an equipment area elsewhere in Kington.

It is considered that the revised offer made by the developer is appropriate having regard to the remaining site area and that this money should be made available to the Town Council with a view to improving existing or providing new recreational facilities. The attached report and recommendation otherwise remains identical to that previously considered by Members.

Original Report

1. Site Description and Proposal

- 1.1 The application site comprises a roughly triangular plot of land to the rear of 15 and 17 Black Barn Close. The land is generally overgrown and slopes away in an easterly direction down to a brook which generally defines the boundary of the modern housing development that has taken place off Eardisley Road.

- 1.2 Consent is sought to discharge the requirement to provide recreational open space established in the Section 106 Agreement entered into alongside original permission for the development of this site and subsequently for the change of use of this land to private gardens.
- 1.3 The applications have been accompanied by a statement of case justifying the reasons for seeking the change of use.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A54	Protection of Residential Amenity
Policy A63	Retention of Open Space
Policy A64	Open Spaces Standards for New Residential Development
Policy A65	Compliance with Open Space Standards

3. Planning History

- 88/767 - Erection of 12 Dwellings - Approved.
- 94/0558 - Renewal of Permission Approved Under Code 88/767 for the Erection of 12 Dwellings - Approved 19 October 1994.
- 96/0826/N - Erection of 3 houses - Approved 27 February 1997.
- 98/0177/N - Erection of 2 houses with optional garages - Approved 1 May 1998.
- NW99/1732/F - Erection of 8 no. Semi-Detached Dwellings (plots 12-19) - Approved 2 November 1999.
- NW01/1094/F - Change of Use of Childrens Play Area to Domestic Garden - Refused 27 June 2001.

4. Consultation Summary

- 4.1 No statutory or non-statutory consultations required.

5. Representations

- 5.1 The applicant has submitted the following statement to justify the proposal :

'As you are aware since the previous refusal for this land (NW2001/1094/F) we have explored the possibility of having the Play Area adopted by the Local Authority, although they have since indicated that they are not prepared to take on this land.

If the Play Area were to remain in the private domain it would be necessary to take out an annual insurance for public liability. Unfortunately it has been found that an annual premium in the order of £5,000 would be payable and I feel that this is an unreasonable burden on the householders of Black Barn Close. The householders have also indicated that they do not want a Play Area adjacent to the stream which could prove dangerous to children and its concealed position gives limited views from the houses which could attract undesirable behaviour.'

5.2 Kington Town Council state :

'We believe that a similar application came before the Town Council a few years ago and Kington Town Council was opposed to that application. In the original application for the development of this estate, there was a requirement for a play area for children. It is unfortunate that the developer chose to put the play area in an unsuitable place, and to develop a property with insufficient garden. Kington Town Council object strongly to this application - an area set aside for children's play is intended to keep children from playing in the street, and should not be reallocated for a residential garden. If planning permission is granted, does the developer propose to put in place another area designated solely for children's play space. Kington Town Council would welcome such a gesture.'

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

6. Officers Appraisal

6.1 The fundamental issue at stake in respect of this application is to assess whether there are specific circumstances in this particular case that warrant the removal of the children's play space from the Black Barn Close housing development.

6.2 A strict interpretation of Policies A63, A64 and A65 would render this application unacceptable and accordingly it would be recommended for refusal as was the case with the recent application referred to in Kington Town Councils comments (NW01/1094/F refers).

6.3 However, in this case there are a number of factors which require Members consideration. In the first instance the recently refused application was accompanied by a signed petition of 14 residents of Black Barn Close (No.'s 1,3,4,5,7,9,11,17,19 and 21) supporting the change of use of the play area to domestic garden. The concerns raised were that the play area is not readily visible from the vast majority of houses in the cul-de-sac and is alongside a stream and concerns regarding its secluded location and the potential for anti-social behaviour. It is stated that the combination of these factors resulted in the conclusion that the signatories would not allow their children to play unsupervised in the designated area and as a result it would not be sufficiently used to enable regular maintenance to be worthwhile.

6.4 Since the previous refusal, approaches to the Council's Leisure Development, Parks and Countryside service regarding the adoption of the play area by Herefordshire Council have indicated that it would not be of a sufficient standard to warrant this. Furthermore, to maintain it privately would entail an annual insurance premium of £5,000 to cover public liability.

6.5 In view of the above it is considered in this particular instance that the poor location of the remaining play area and the position adopted by a significant proportion of local residents is such that relaxation of the normal policy is warranted.

6.6 With regard to the comments of the Town Council the applicant has agreed to the principle of a payment in lieu of the non-provision of playspace which would be used for improvement/maintenance of existing recreational facilities in Kington. The amount had not been finalised at the time of writing and will be reported to Members verbally.

RECOMMENDATION

DCNW2003/2576/G

- 1 - That subject to the receipt of a payment in lieu of off-site improvements/maintenance of recreational facilities, the Section 106 Agreement relating to the provision and maintenance of children’s recreational play area be revoked and upon receipt of the payment that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the recommendation set out below.

DCNW2003/1916/F

That planning permission be granted subject to the following conditions :

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

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

- 2 - G01 (Details of boundary treatments)

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

19 DCNW2003/2547/F - CONVERSION OF BARN INTO RESIDENTIAL UNIT WITH WORKSHOP AT UPCOTT, ALMELEY, HEREFORDSHIRE, HR3 6LA

For: Mr M Goodwin per McCartneys, The Ox Pasture, Overton Road, Ludlow, Shropshire, SY8 4AA

Date Received:
19th August 2003

Ward:
Castle

Grid Ref:
32571, 50871

Expiry Date:
14th October 2003

Local Member: Councillor J. Hope

1. Site Description and Proposal

- 1.1 The application site comprises a 0.1 hectare plot of agricultural land located on the northern side of an unmade track which serves Upcott Farm, Lower Upcott and a barn/workshop recently granted permission for residential use (NW2002/0872/F).
- 1.2 The barn is a single storey stone-built structure with a partly slated and stone tiled roof, which has an 'L' shaped form.
- 1.3 To the south and across the private track is the Grade II listed property known as Lower Upcott.
- 1.4 Planning permission is sought for the conversion of the building into a dwelling, the intention of which is to provide accommodation for the applicants disabled son. A new access would be created to the east of the building where an existing field gate would be adapted for the purpose.
- 1.5 The application is accompanied by a marketing appraisal and a structural appraisal.

2. Policies

Hereford & Worcester County Structure Plan

H16 A Housing in Rural Areas
H20 Housing in Rural Areas Outside the Green Belt
CTC 9 Development Requirements
CTC 13 Conversion of Buildings

Leominster District Local Plan (Herefordshire)

A1 Managing The District's Assets And Resources
A2(D) Settlement Hierarchy
A9 Safeguarding The Rural Landscape
A18 Listed Buildings And Their Settings
A24 Scale And Character Of Development
A54 Protection Of Residential Amenity
A60 Conversion Of Rural Buildings Outside Settlements To Residential Use
A70 Accommodating Traffic From Development

Supplementary Planning Guidance

Re-Use and Adaptation of Traditional Rural Buildings

3. Planning History

- 3.1 None relevant to the application site. The building known as Barn 1 was granted planning permission for conversion to residential use pursuant to NW2002/0872/F on 25 June 2002.

4. Consultation SummaryStatutory Consultations

- 4.1 Head of Engineering and Transportation raises no objection.

Internal Council Advice

- 4.2 The Chief Conservation Officer raises no objection to the revised plans and elevations subject to conditions covering external finishes and joinery.
- 4.3 Head of Community and Economic Development advises that the barn has been on the Council's register since 13 November 2002. It has generated 3 enquiries, for potential storage use, as an animal sanctuary and as a live-work unit for a potter.

5. Representations

- 5.1 Almeley Parish Council raise no objection.

- 5.2 A total of 3 letters have been received from Mr. P. Cripwell, Lower Upcott, Almeley. The concerns raised can be summarised as follows :

- building is not worthy of conversion or capable of conversion in view of its dilapidated state.
- conversion will detract from the setting of the adjacent listed property.
- glazed panelling is out of character with the existing building.
- a genuine offer for commercial use has been made for use as an architectural and artists studio.

- 5.3 Two letters of support have been received from Mr. & Mrs. Powell, Upper Cross, Almeley and Mr. S. Dick of Upcott Barn, Almeley. The points raised can be summarised as follows :

- conversion to residential is an excellent use of this building.
- the existing buildings fit into the environment and are constructed in local stone and oak.
- residential conversion would not spoil the character of the area.
- conversion will support our rural economy and services.

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

6. Officers Appraisal

- 6.1 The principle issue with regard to the consideration of this application is the acceptance or otherwise of a wholly residential conversion. The building has been marketed by the applicants' agent (McCartneys) since 24 October 2002 and it has been advised that the sales particulars have been displayed at their Kington office, on their website and the details of the building have appeared in local newspaper publications throughout the marketing period. As a result the marketing appraisal which accompanies the application confirms that although some interest has been expressed, potential occupants have been put off by the cost of the conversion. The argument is put forward that the conversion of the building would be generally uneconomic when set against the potential rental cost.
- 6.2 Furthermore, the McCartneys appraisal suggests that the limited height of the building and its remote location make the building and its location restrictive for a wide range of commercial uses.
- 6.3 The Council's Supplementary Planning Guidance also requires the building to appear in our own Herefordshire Property Register. It is advised that the building has been on the register since 13 November 2002 and since that time only 3 enquiries have been made for storage use, an animal sanctuary and a live/work unit.
- 6.4 It would appear that whilst the foregoing information indicates a limited demand for commercial use, the cost implications of conversion and the isolated nature of this site resulted in no further action by the interested parties. However prior to and following the submission of the application to the local planning authority, the neighbour has approached the applicant with a specific offer to purchase the barn for commercial use (an architectural and artists studio with garaging). This offer was brought to the attention of the applicant and a letter dated 15 October 2003 was subsequently received confirming that the applicant did not wish to consider the sale of the building to the neighbour. No specific reason was given but reference was made to the pre-application marketing of the building.
- 6.5 The balance of the issues raised above is further complicated by the applicants intention to convert the building to provide a dwelling for his son who is a partner in the farming business and is disabled having been seriously injured in an accident. It is advised that the son still has an active role on the farm and a number of vehicles have been adapted and a winch system is used to enable him to gain access to these vehicles from his wheelchair. The single storey nature of the building would make it relatively easy to adapt for wheelchair access. Whilst no agricultural appraisal or need for an agricultural worker has been submitted it is clearly a material consideration.
- 6.6 As a consequence the issues are finely balanced and depending on the weight attached to the above could substantiate a refusal recommendation. However it is considered on balance the case for residential conversion to meet the expressed needs is sufficient to enable officers to support this proposal, subject to conditions.
- 6.7 With regard to the condition of the building, the structural appraisal which accompanies the application indicates that the reconstruction of the south facing gable frame would need to be undertaken, together with the reinstatement of missing stonework to the west gable as well as more minor repair work. The building is therefore considered capable of conversion within the terms of current policy and guidance and furthermore its appearance and stone and slate construction combine to make it a building worthy of retention and in keeping with its surroundings.

- 6.8 The design of the conversion has been revised to incorporate garaging within two bays of the open-fronted eastern end of the building and is considered acceptable having regard to the advice provided by Chief Conservation Officer subject to the provision of appropriate joinery details and the treatment of external materials and finishes.
- 6.9 The effect on the setting of Lower Upcott, the Grade II listed building to the south of the application site is not considered to be so harmful as to warrant the refusal of planning permission, particularly in view of the presence of the existing hedgerow and stone walling which provides a recognisable curtilage for the proposed dwelling. It is advised that the setting of Lower Upcott was considered at appeal in respect of the larger barn to the west. Whilst the appeal was dismissed the Inspector accepted that this more dominant building which is closer to the listed property would not adversely affect its setting.
- 6.10 Overall therefore it is considered that the conversion proposal would have the benefit of preserving the historic group of former agricultural buildings without detriment to the setting of the listed property or the amenities of its residents. The recommendation is therefore one of approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

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

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

- 2 - A07 (Development in accordance with approved plans) (drawing nos. 4882 Rev. C and 4882/11 Rev. A)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3- E27 – (Personal condition) (Matthew Goodwin)**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

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

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

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

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 6 - C05 (Details of external joinery finishes)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

7 - C06 (External finish of flues)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

8 - E16 (Removal of permitted development rights)

Reason: To preserve the character and setting of the converted building.

9 - G01 (Details of boundary treatments) (including repair and maintenance of existing stone boundary walls)

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

10 - G04 (Landscaping scheme (general)) (including treatment of hardsurfaces)

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

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

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

12 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

13 - H08 (Access closure) (Prior to the occupation of the building)(vehicular)(into the application site)

Reason: In the interests of residential amenity and to ensure the safe and freeflow of traffic using the adjoining track.

14 - 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.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**20 DCNW2003/2717/F - REPLACEMENT OF FORMER
METHODIST CHAPEL WITH TWO BEDROOM
COTTAGE AT METHODIST CHAPEL, BACON LANE,
AYMESTREY, HEREFORDSHIRE, HR6 9ST**

**For: Mrs Willmett per Mundy Construction Services,
5 Upper Court, Luston, Leominster, HR6 OAP**

Date Received:
8th September 2003

Ward:
Mortimer

Grid Ref:
42464, 64909

Expiry Date:
3rd November 2003

Local Member: Councillor Mrs O. Barnett

1. Site Description and Proposal

- 1.1 The former Methodist Chapel occupies a prominent and elevated position on the western side of the A4110 at the southern end of the village of Aymestrey. It is accessed via a private unmade track (Bacon Lane) which is shared with the Clerks House farmyard and 4 other properties immediately adjacent to the application site as well as a number of others further to the west.
- 1.2 The application site lies in open countryside which is designated as an Area of Great Landscape Value. The Methodist Chapel itself is not listed and is clad in painted corrugated iron. Its outward appearance is a little dilapidated but it retains some very attractive features such as the Gothic style windows and the scalloped and pierced bargeboard details.
- 1.3 The building sits within a restricted curtilage demarked by a retaining wall and its recent use has been as the applicants own hobby workshop.
- 1.4 Planning permission is sought for the demolition of the former Chapel building and its replacement with a two storey - two bedroomed cottage which would be of brick construction under a Welsh slate roof. The cottage would have an 'L' shaped form and the intention would be to re-use the existing arched windows within the new build.
- 1.5 Furthermore it is proposed to extend the curtilage of the building to provide a sizeable garden to serve the proposed property. This would encompass the disused quarry to the west of the chapel and within this area parking and turning space would be provided.
- 1.6 The application has been accompanied by a market testing appraisal.

2. Policies

Hereford & Worcester County Structure Plan

- H16 A Housing in Rural Areas
- H20 Housing in Rural Areas Outside the Green Belt
- CTC 2 Areas of Great Landscape Value
- CTC 9 Development Requirements
- CTC 13 Conversion of Buildings
- CTC 14 Conversion of Buildings

Leominster District Local Plan (Herefordshire)

- A1 Managing The District's Assets And Resources
- A2(D) Settlement Hierarchy
- A9 Safeguarding The Rural Landscape
- A19 Other Buildings Worthy Of Retention
- A24 Scale And Character Of Development

Herefordshire Unitary Development Plan (Deposit Draft)

- H7 Housing in the Countryside Outside Settlements
- LA2 Landscape Character and Areas Least Resilient to Change
- HBA 8 Locally Important Buildings

3. Planning History

- 3.1 NW2000/3001/F - Replacement of former chapel with 2 bedroom cottage - Refused 5 January 2001.
- 3.2 NW2001/0948/F - Replacement of former chapel with 2 bedroom cottage - Withdrawn 16 July 2001.

4. Consultation SummaryStatutory Consultations

- 4.1 Head of Engineering and Transportation raises no objection subject to a condition requiring the proposed access and turning area being provided and maintained for such purposes.
- 4.2 Environment Agency raise no objection subject to a scheme for the provision of foul drainage being submitted for approval by the local planning authority.

Internal Council Advice

- 4.3 Chief Forward Planning Officer does not support the application on the basis that notwithstanding the marketing exercise undertaken by the applicant the proposal is for a new dwelling in the countryside which would not satisfy Plan Policy.
- 4.4 Chief Conservation Officer does not support the demolition of the former chapel since it will result in the loss of an attractive example of a prefabricated Victorian building which makes a positive contribution to the approach to Aymestrey and is an important part of its local history. It is advised that the re-use of the existing windows in a new-build project would not be permissible under current Building Regulations and that the use of brick is not considered appropriate in this case having regard to the character and appearance of the existing Chapel building.

5. Representations

- 5.1 Aymestrey Parish Council state :

'At a recent meeting of the Council, the following comments were made with regard to the above planning application:

- 1. The application does not conform to the local development plan.

2. The access onto the A4110 is a shared access via a privately owned lane with five other properties and a mobile home. It is to be hoped that the agreement of all residents to its use would be gained before any building work is undertaken.

3. The above-mentioned access is already a poor access and additional vehicles using this entrance/exit would increase the element of danger. Previous applications to renovate this property have not been supported by this Council for this very reason. Council therefore recommends that a full site visit be carried out by representatives of the Herefordshire Council planning authority prior to reaching any decision.'

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

6. Officers Appraisal

6.1 The key issues for consideration in respect of this application are as follows:

- a) the principle of demolishing the Chapel structure and replacing it with a new dwelling;
- b) the impact of the proposed new dwelling upon the character and appearance of the Area of Great Landscape Value and;
- c) the demolition of a building worthy of retention.

Principle of Residential Development

6.2 The application site lies within open countryside and as such any proposal for new residential development must be assessed against the criteria set out in Policy A2(D) of the Leominster District local Plan (Herefordshire). In exceptional circumstances residential use will be granted where it is essentially required to support an agricultural or forestry enterprise, it results from an acceptable conversion of an existing building, it is an appropriate replacement of an existing dwelling or it relates to a scheme of affordable housing where a local need has been established.

6.3 It is acknowledged that the marketing enterprise has not identified any obvious commercial re-use and this would enable support to be given to the conversion of the chapel. However this would not justify the demolition of the building and its replacement with a new dwelling which would be wholly contrary to Policy A2(D) of the Leominster District Local Plan (Herefordshire).

6.4 Furthermore, it is advised that the proposal would not fall into any of the exceptional circumstances identified above.

Character and Appearance of the Area of Great Landscape Value

6.5 The replacement building is of an appropriate scale being closely related in position, size and form to the existing Chapel building and overall it is considered that the extended residential curtilage and parking area with appropriate controls could be accommodated without causing significant harm to the character and appearance of the locality. In view of the scattering of residential properties in the vicinity of the application site the presence of additional domestic paraphernalia would not therefore cause demonstrable harm to the character of the Area of Great Landscape Value.

Demolition of a Building Worthy of Retention

- 6.6 It is advised that the Chief Conservation Officer has indicated that the Chapel (although slightly dilapidated) represents an attractive example of a prefabricated Victorian building, which whilst not listed is certainly worthy of retention and locally an important historical feature. Accordingly, it is advised that a strong presumption in favour of the adaptation of the existing building has been expressed at this stage.
- 6.7 Set against this, the refusal of planning permission for a very similar application (NW2000/3001/F) does not refer to the architectural significance of the building and as such whilst the comments of the Chief Conservation Officer are acknowledged it is not considered reasonable to introduce this particular issue as a reason for refusal at this stage.
- 6.8 Notwithstanding the above further advice is offered that the proposed use of red brick is not considered appropriate and that should this proposal be accepted in principle a rendered finish should be encouraged in view of the prevailing character of the Chapel.

Conclusion

- 6.9 In conclusion therefore it is advised that whilst positive steps have been taken by the applicant to market the building and produce a design which reflects to some extent the scale and form of the existing Chapel, the principle of building a new dwelling on the site to replace the existing structure is contrary to policy.

RECOMMENDATION

That planning permission be Refused for the following reason :

- 1. The proposal would result in the erection of a new dwelling in the open countryside, which in the absence of any exceptional circumstances, would be contrary to Policies H16A and H20 of the Hereford & Worcester County Structure Plan and Policy A2(D) of the Leominster District Local Plan (Herefordshire).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

21 DCNW2003/2763/F - REFURBISHMENT OF OLD LAUNDRY COTTAGE TO RESIDENTIAL USE WITH WORKSHOP AND NEW GARAGE AT OLD CASTLE, KINNERSLEY, HEREFORDSHIRE, HR3 6NY

For: Mr D.H.G Probert per McCartneys, The Ox Pasture, Overton Road, Ludlow, Shropshire, SY8 4AA

Date Received:
11th September 2003

Ward:
Castle

Grid Ref:
33537, 48512

Expiry Date:
6th November 2003

Local Member: Councillor J. Hope

1. Site Description and Proposal

- 1.1 The Old Laundry Cottage forms part of a range of traditional and modern agricultural buildings which are located immediately to the west of Oldcastle Farmhouse, a Grade II listed building beyond which is a group of barns which have been converted to residential use pursuant to application ref. 98/0061/N. The barns immediately to the north and east of the site are undergoing conversion under the terms of application ref. NW2002/0169/F.
- 1.2 The site lies on the west side of an unclassified road (U90407) which links the hamlet of Ailey to the A4112 to the north beyond mature woodland.
- 1.3 The locality is primarily characterised by open agricultural land although there are a number of scattered properties to the east and south east of the Oldcastle farm complex. In addition to this work has commenced on the relocation of the modern farm buildings approved pursuant to application ref. NW2002/0310/F which affects the land to the north beyond the existing access to the farm and the associated converted buildings.
- 1.4 Planning permission is sought for the conversion of the Old Laundry Cottage, an attractive unlisted timber framed building into a dwelling incorporating workshop space. It is also proposed to create an area of amenity space adjacent to the private access drive and construct a small open fronted garage within this area and immediately to the north of Old Laundry Cottage.

2. Policies

Central Government Guidance

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford & Worcester County Structure Plan

H16 A Housing in Rural Areas

H20 Housing in Rural Areas Outside the Green Belt

CTC 9 Development Requirements

CTC 14 Conversion of Buildings

Leominster District Local Plan (Herefordshire)

- A1 Managing The District's Assets And Resources
- A2(D) Settlement Hierarchy
- A9 Safeguarding The Rural Landscape
- A14 Safeguarding The Quality Of Water Resources
- A16 Foul Drainage
- A54 Protection Of Residential Amenity
- A60 Conversion Of Rural Buildings Outside Settlements To Residential Use
- A70 Accommodating Traffic From Development

Herefordshire Unitary Development Plan (Deposit Draft)

- H7 Housing in the Countryside Outside Settlements
- H14 Re-Using Previously Developed Land and Buildings
- LA2 Landscape Character and Areas Least Resilient to Change
- LA5 Protection of Trees, Woodlands and Hedgerows
- LA6 Landscape Schemes
- HBA 4 Setting of Listed Buildings
- HBA 13 Re-Use of Traditional Rural Buildings for Residential Purposes

Supplementary Planning Guidance

Re-Use and Adaptation of Traditional Rural Buildings

3. Planning History

79/1504 - Agricultural workers dwelling - Approved 4/2/80 (this is the property known as Oldcastle House)

80/899 -Agricultural buildings - Approved 01/09/80.

98/0061/N and 98/0062/L - Conversion of listed barn and redundant farm buildings to 3 dwellings - Approved 17/06/98.

NW1999/2228/F - Relocation of farm buildings and new access - Refused 4/10/2000. Appeal dismissed 23/03/2001.

NW2000/1380/F - Conversion of traditional barns to 3 residential units - Refused 04/10/2000. Appeal dismissed 23/03/2001.

NW2000/1381/F - Resubmission of NW1999/2228/F - Relocation of farm buildings and new access - Refused 04/10/2000.

NW2002/0169/F - Conversion of traditional barns to 3 residential units with workshop/offices and garaging - Approved 10/04/2002.

NW2002/0310/F - Relocation of modern farm buildings - Approved 10/04/2002.

NW2002/1948/F - Erection of agricultural storage building - Approved 23/08/2002.

NW2003/0109/S - Silage pit - Prior Approval Not Required - 28/01/2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - raise no objection.
- 4.2 Head of Engineering and Transportation - raises no objection.

Internal Council Advice

- 4.3 Chief Conservation Officer raises no objection subject to the retention of the important internal elements (pot gallows, copper and bread oven and stable dividers and hay racks).
- 4.4 Public Rights of Way Manager- raises no objection.

5. Representations

- 5.1 Kinnersley Parish Council state the following :

'The Parish Council cannot reasonably object to this development although it will increase domestic traffic.'

- 5.2 The Ramblers Association raise no objection.

- 5.3 A total of 5 letters of objection have been received from the following persons :

- Mr. H. Ellam, Oldcastle Cottage, Kinnersley
- Mr. & Mrs Jacobsen, Rock Cottage, Kinnersley
- Mr. & Mrs Garritty, Harvest House, Oldcastle Farm, Kinnersley
- Mr. & Mrs Cartwright, The Masons, Kinnersley
- B.R. Gardiner and G Jones, Railway Cottage, Kinnersley

- 5.4 The objections raised can be summarised as follows :

- further creeping development
- constant nuisance as a result of site works over 5 ½ years
- overwhelming and damaging effect on the hamlet
- increase in number of vehicles on site would create unacceptable danger
- increased chance of accidents on public road - already been a number of near misses.
- building work will increase traffic and create danger on roads.
- workshop use will further increase vehicular traffic-potential for additional commercial vehicles.
- noise from conversion work is a real nuisance - work often starts at 7am.
- exit onto blind bend is very dangerous.

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

6. Officers Appraisal

6.1 The key issues for consideration in the determination of this application are as follows :

- a) the principle of residential conversion incorporating workshop space;
- b) the effect of the proposed conversion on the character and appearance of the building and;
- c) access and highway safety issues.

Principle of Conversion

6.2 It is considered that Old Laundry Cottage is worthy of retention and having regard to the Structural Appraisal which accompanies the application is capable of conversion without major rebuilding or extensive repair work. It is not considered that a building of this modest scale would have a viable agricultural use and historically it would have been used for purposes ancillary to the main farmhouse and may also have been used for residential purposes.

6.3 Furthermore, the Oldcastle farm complex was extensively marketed in accordance with the Council's Supplementary Planning Guidance between April 2001 and April 2002, the time when the most recent conversion proposals were determined. Although this remaining building has not been specifically marketed in the lead up to this current application it is considered that on the basis of the evidence previously submitted it would be unlikely that a wholly commercial use would be established in this location. It is advised that the proposal does include a workshop within the stable area of the building and furthermore the local concerns identified by residents in respect of increasing traffic levels are such that the insistence upon a specific market testing exercise was not considered necessary in this instance.

6.4 On balance therefore the principle of converting this attractive and relatively domesticated building into a residential unit would be acceptable having regard to Government guidance, adopted development plan policy and the Council's Supplementary Guidance.

Character and Appearance of the Building

6.5 The details of the conversion are generally sympathetic although the importance of the internal fittings and fixtures has been stressed by the Chief Conservation Officer. Furthermore, the applicant accepts the principle of retaining these features and accordingly a condition is proposed in the recommendation set out below to ensure their retention.

6.6 The proposal also involves the creation of a garden area opposite the building which would form a natural extension to the existing garden curtilage associated with Oldcastle House. A detached garage building would be constructed on this area. Revisions to the design have secured a more agricultural looking building which would be predominantly weatherboarded with an asymmetric roof form.

6.7 Accordingly it is advised that the proposed conversion and associated works will preserve the character and agricultural setting of Old Laundry Cottage and the Oldcastle farm complex as a whole.

Access and Highway Safety

- 6.8 It is clear from the objections received from local residents that there is concern in respect of the potential for additional vehicular traffic both during conversion/construction work and as a result of the occupation of the building. It is acknowledged that since the original approval for the conversion of the buildings to the west of the farmhouse, a total of 6 new dwellings have been created and that this proposal would add a further 3 bedroomed property. Notwithstanding this it is not considered that this incremental increase in the use of the highway would result in any serious threat to its safe use. The proposed conversion would use the safer point of access between Oldcastle farm and Oldcastle House rather than the one on the bend adjacent to Oldcastle Cottage and The Masons.
- 6.9 No objection has been raised by the Head of Engineering and Transportation in respect of this additional dwelling.

Conclusion

- 6.10 In conclusion, the development of this farm complex has proved highly contentious but this proposal represents the final opportunity for residential conversion. The building known as The Old Laundry is certainly worthy and capable of retention and its presence alongside the other dwellings created at Oldcastle farm would not cause such an increase in private traffic movements so as to warrant the refusal of planning permission on highway safety grounds. Having regard to adopted policy and the material considerations relevant to this location, the recommendation is therefore one of approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

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

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

- 2 - A07 (Development in accordance with approved plans) (drawing nos. 4779 Rev. C, 4779/20 F, 4779/31 Rev. B and 4779/32 Rev. A) (including preservation of stable dividers, bread oven, pot gallows and copper insitu)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

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

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

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

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6 - C06 (External finish of flues)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

7 - E16 (Removal of permitted development rights)

Reason: To preserve the open character and setting of the converted building.

8 - F17 (Scheme of foul drainage disposal)

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

9 - G01 (Details of boundary treatments)

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

10 - G04 (Landscaping scheme (general))

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

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

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

12 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

13 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

Notes to applicant :

1 - All rights of way should remain at their historic width and suffer no encroachment/obstruction. The applicants should ensure that they hold lawful authority to drive over the registered right of way.

2 - If treated effluent from the foul drainage system discharges to a controlled water source, the Environment Agency would require an application to discharge this effluent under the provision of the Water Resources Act 1991.

3 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and

to all relevant material considerations including Supplementary Planning Guidance:

- A9 Safeguarding The Rural Landscape
- A54 Protection Of Residential Amenity
- A60 Conversion Of Rural Buildings Outside Settlements To Residential Use
- A70 Accommodating Traffic From Development

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

22 DCNW2003/2770/F - NEW FARM ACCESS, EXISTING DRIVE RETAINED FOR RESIDENTIAL USE ONLY AT OLDCASTLE, KINNERSLEY, HEREFORDSHIRE.

For: Mr D.M.G. Probert per McCartneys, The Ox Pasture, Overton Road, Ludlow, Shropshire, SY8 4AA

Date Received:
11th September 2003

Ward:
Castle

Grid Ref:
33544, 48542

Expiry Date:
6th November 2003

Local Member: Councillor J. Hope

1. Site Description and Proposal

- 1.1 The application site comprises a roughly rectangular 0.1 hectare of agricultural land immediately to the north of the garden curtilage of Oldcastle House. The eastern boundary of this strip of land is defined by an established hedgerow alongside the unclassified road which links the hamlet of Ailey with the A4112 to the north.
- 1.2 The western end of the site comprises the partially constructed livestock/storage buildings associated with Oldcastle Farm. Permission was granted for the relocation of these modern buildings (NW2002/0310/F) as part of the proposed conversion of two traditional farm buildings to residential use (NW2002/0169/F).
- 1.3 Planning permission is sought for the creation of a new agricultural access and driveway some 10 metres to the north of the boundary with Oldcastle House together with additional planting. The intention would be to enable the existing access which is shared with 3 other properties (potentially a fourth if the conversion of Old Laundry Cottage is approved) to be used solely for residential use and thereby improving the amenities of existing and future occupiers of the converted barns.

2. Policies

Hereford & Worcester County Structure Plan

CTC 9 Development Requirements
A1 Development on Agricultural Land

Leominster District Local Plan (Herefordshire)

A1 Managing The District's Assets And Resources
A2(D) Settlement Hierarchy
A9 Safeguarding The Rural Landscape
A10 Trees And Woodlands
A54 Protection Of Residential Amenity
A70 Accommodating Traffic From Development
A78 Protection Of Public Rights Of Way

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA2 Landscape Character and Areas Least Resilient to Change
Policy LA5 Protection of Trees, Woodlands and Hedgerows
Policy LA6 Landscape Schemes

3. Planning History

79/1504 - Agricultural Workers Dwelling - Approved 4/2/80 (Oldcastle House).

NW2002/0310/F - Relocation of modern farm buildings - Approved 10/04/02.

NW2002/1948 - Erection of agricultural storage building - Approved 23/08/02.

NW2003/0109/S - Silage pit - Prior Approval Not Required - 28/01/03.

4. Consultation Summary

Statutory Consultations

- 4.1 Head of Engineering and Transportation raises no objection subject to conditions regarding gate positions, visibility splays and detailed information regarding construction of the proposed new driveway.

Internal Council Advice

- 4.2 Chief Conservation Officer raises no objection to the proposed new access subject to additional hedgerow planting along the northern edge of the driveway. No objection is raised in respect of the setting of the listed farmhouse.
- 4.3 Public Rights of Way Manager raises no objection to the amended plans with the proviso that any planting should preserve the right of way unobstructed and that a gate be installed in preference to a stile at the north-west corner of the garden of Oldcastle House.

5. Representations

- 5.1 Kinnersley Parish Council state that they are not convinced by the need for an additional access to the new farm buildings and makes reference to the need for landscaping and the enforcement of such conditions during 2004.

- 5.2 The Ramblers Association raise no objection.

- 5.3 A total of 3 letters of objection have been received from the following persons :

- Mr. H. Ellam, Oldcastle Cottage, Kinnersley
- B.R. Gardiner and G Jones, Railway Cottage, Kinnersley
- Mr. & Mrs. Jacobsen, Rock Cottage, Kinnersley

- 5.4 The concerns raised can be summarised as follows :

- new farm access unnecessary and would create a further hazard. Existing access is clearly acceptable.
- already 3 accesses in close proximity to the dangerous bend in the road.
- purchasers of Barns 1, 3 and 6 were all aware that existing driveway would be shared with farm traffic.
- concern regarding loss of hedgerow.

- 5.5 One letter of support was received from Mr. & Mrs. Edelstyn residing at Railway Cottage, Kinnersley and the purchasers of Barn 6. These comments are as follows :

- farm traffic no longer comparable with what is now a predominantly residential area.
- danger to young children from agricultural vehicles.
- new access will make existing drive safer, cleaner and less noisy.

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

6. Officers Appraisal

- 6.1 The two key issues for consideration in respect of this application are highway safety and the visual impact of the proposed new access and driveway on the character and appearance of the surrounding countryside.
- 6.2 The comments received from the Parish Council and concerned local residents are acknowledged and it is accepted that the existing driveway arrangement is acceptable in terms of the highway safety and the amenities of both existing and future occupiers of the Oldcastle farm complex. This said it is advised that the proposed new access would represent an improvement to the current arrangements in terms of the visibility that can be achieved. Furthermore, there will clearly be an advantage to those residents of the converted buildings since agricultural vehicle movements would not affect the existing driveway which would otherwise be used solely for private cars.
- 6.3 No objection is raised by the Head of Engineering and Transportation subject to conditions and since the new access will not result in any demonstrable harm to existing residents in the locality it is not considered that there are any highway safety or amenity grounds upon which to object to the proposal.
- 6.4 The landscape impact has been considered by the Chief Conservation Officer and no objection is raised subject to additional hedgerow planting along the northern edge of the proposed new driveway. This has been accepted in principle by the applicant and an amended plan is awaited at the time of writing.
- 6.5 In view of the above and with the imposition of conditions/notes in respect of the protection of the public right of way the proposed new access and driveway is considered to accord with adopted development plan policy.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

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

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

- 2 - A07 (Development in accordance with approved plans) (revised drawing no. to be substituted)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - G01 (Details of boundary treatments)

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

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 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

7 - H01 (Single access - not footway) (new entrance, 5 metres)

Reason: In the interests of highway safety.

8 - H03 (Visibility splays) (2.4m)(90m)

Reason: In the interests of highway safety.

9 - H05 (Access gates) (10m)

Reason: In the interests of highway safety.

10 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

Notes to applicant :

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN05 - Works within the highway
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

23 DCNW2003/2856/F - STEEL FRAMED BUILDING TO HOUSE CATTLE AT ZINTEC, DOWN WOOD, SHOBDON HEREFORDSHIRE, HR6 9NH**For: Mr C Williams per Mr W Jones, Shufflebottom Ltd,
Cross Hands Business Park, Llanelli, Carmarthen****Date Received:**
19th September 2003**Ward:**
Pembridge &
Lyonshall with Tittley**Grid Ref:**
38966, 62564**Expiry Date:**
14th November 2003

Local Member: Councillor R. Phillips

1. Site Description and Proposal

- 1.1 The application site lies to the west of the existing industrial building at Zintec, off the B4362 road just to west of Shobdon. It lies adjacent to the registered historic parkland of Shobdon Court, which is also a special wildlife site and within an Area of Great Landscape Value.
- 1.2 In addition to the industrial building of Zintec there are a cluster of dwellings and other buildings in the vicinity and the site is overlooked by the properties at Downwood Farm.
- 1.3 The proposal is for the erection of a cattle building measuring 18 metres by 8.9 metres with a ridge height of approximately 5.9 metres. The building is to be sited in an area which was formally wooded but has recently been cleared and subject of land filling.

2. PoliciesLeominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape

Policy A11 – Parks, Gardens and other Historical Landscape Features

Hereford and Worcester County Structure Plan

Policy A3 – Agricultural Buildings

Policy CTC2 – Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA4 – Protection of Historic Parks and Gardens

Policy E13 – Agriculture and Forestry Development

Policy LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

No planning history on this site.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objection to original consultation. No representations received so far in response to land filling.
- 4.2 Garden History Society, Historic Gardens Trust and Herefordshire Nature Trust – no response.
- 4.3 The Forestry Commission. In response to complaints with regard to unauthorised felling of the woodland on the site the Forestry Commission advise that they will not be able to carry out any successful prosecution due to several factors including determining accurate tree volume and two sites being filled where the owner could have claimed an exemption under the Forestry Act at this site. We would hope that if the Council grant planning permission a suitable tree landscaping plan would be incorporated to provide restoration of the land.

Internal Council Advice

- 4.4 The Chief Conservation Officer advises that there is no adverse impact upon historic park adjacent to the site, however a new building will be prominent in the landscape from the minor road and public rights of way and woodland planting is required.
- 4.5 The Head of Engineering and Transportation has no objection.
- 4.6 The Head of Environmental Health and Trading Standards has no objection.

5. Representations

- 5.1 In support of the application and in response to complaints about unauthorised tipping and felling the applicant's agent advises that the area in question was an area of bog land with a large dip in the centre. It is this dip that had to be filled in order to level the site, the area has been filled with soil and earth and at no point has any waste material or other polluting matter been used to fill the site. As the levelling of the site was done with earth and soil it was assumed that no permission or approval would be required.

As regard the clearance of trees, for some years before the applicant had an interest in the site. A Christmas tree plantation had been on the site. By the time the applicant became involved in the land the trees were nearly all gone and those remaining were dying and diseased which is why he removed them. The rest of the site was covered scrub which has also been cleared.

Up to 8 head of cattle may be housed at the site mainly over winter months. The applicant is in the process of providing 3 acres of grazing land which is being seeded in January. Obviously 3 acres does not provide sufficient grazing land for 8 head of cattle for any sustained period of time but the applicant has access to a further 20 acres of grazing land on another site which is to be used in rotation with the land being developed. The applicant also advises that it will carry out substantial replanting of trees amongst those already existing on the site.

- 5.2 Shobdon Parish Council support the proposed development with the proviso that suitable screening be planted.

- 5.3 Three letters of objection and a number of photographs of the site prior to filling and felling have been received from:

Mrs. F.M. Symonds, Downwood Cottage
Karen & Ashley Robinson, Downwood Farm
L.A. & S.H. Rowe, The Homestead, Downwood Farm

The points made are summarised as follows:

- a) The site does not amount to 8.1 hectares as set out on the application form but approximately 0.9.
 - b) The land is not improved pasture but bare ground resulting from land filling.
 - c) Until recently the site was mixed woodland, interspersed, with pools providing wildlife habitat and effective natural screening both visually and acoustically. Felling of the woodland, which began around early 2002, was done without regard to wildlife and destroyed flora and habitat. It included the felling of a very large ancient Yew.
 - d) Land filling included vary of substantial amounts of rubbish, destroying pool and wetland habitat and displacing standing water to the north and west onto neighbourhood property.
 - e) The building is far greater than required for any cattle that could be accommodated on the site even if it is turned into improved pasture.
 - f) Large numbers of cattle would create an unacceptable noise and smell to neighbouring properties.
 - g) The soak away system for dealing with the drainage from cattle is rather optimistic.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Consideration of the application has been delayed whilst allegations of unauthorised tipping and felling had taken place. The response of the Forestry Commission is set out in the Consultation Summary above.
- 6.2 In the absence of adverse comment from the Environment Agency or the Council's Mineral and Waste Officer as regards the alleged unauthorised land filling there are no grounds to delay consideration of the application further.
- 6.3 Topography of the surrounding area of the site is such that it is unlikely the building will be visible from the B class road, but will be visible from the access drive serving this small cluster of development together with various rights of way which cross the area. Given the comments of the Chief Conservation Officer it is considered that in visual amenity terms and lack of impact on historic setting terms, that subject to substantial screening the proposal will be acceptable.
- 6.4 Given the modest size of the building and comments received from the Environmental Health and Trading Standards Officer it is not considered that the use of the building for livestock purposes and unreasonable impact upon amenity of nearby occupiers.

6.5 Further clarification of the drainage ditch and pond which appeared on the site recently has been sought but it is anticipated that these matters can be dealt with by condition in consultation with the Council’s Minerals and Waste Officer. It is therefore considered that subject to appropriate conditions the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - G04 (Landscaping scheme (general))(insert further between no and development)

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

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

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

5 - Before any further development takes place details of the drainage ditch and water displacement area shall be submitted to and approved in writing by the local planning authority.

Reason: In order to control drainage on the site.

Note to Applicant:

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

Leominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape

Policy A11 – Parks, Gardens and other Historical Landscape Features

Hereford and Worcester County Structure Plan

Policy A3 – Agricultural Buildings

Policy CTC2 – Areas of Great Landscape Value

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**24 DCNW2003/3247/F - REMOVAL OF CONDITION NO.S
3, 7 AND 19 OF NW2001/1318/F AT UNIT 1, DAIRY
HOUSE, LOWER YATTON, LEOMINSTER,
HEREFORDSHIRE, HR6 9TL**

For: Mr M Perrott, Walford Lodge, Leintwardine.

Date Received:
27th October 2003

Ward:
Mortimer

Grid Ref:
42997, 66689

Expiry Date:
22nd December 2003

Local Member: Councillor Mrs O. Barnett

1. Site Description and Proposal

1.1 Unit 1, The Dairy House represents the first completed conversion of a complex of attractive stone and brick built barns at Lower Yatton Farm. The Dairy House is positioned at the main entrance into the courtyard. The main farmhouse is located to the north and the remaining barns which are currently being converted by the applicant are positioned immediately to the west.

1.2 Permission was granted for the application building and the larger buildings in the complex to a total of 3 live-work units pursuant to application reference NW2001/1318/F. The permission was subject to three restrictive conditions which are relevant to this current application :

- 3) The occupation of the dwellings shall be limited to a person solely or mainly employed or last employed in the business premises associated with that dwelling, or a widow or widower of such a person, or any resident dependants.

Reason: It would be contrary to the policy of the local planning authority to grant planning permission in this location without the associated business use.

- 7) The workshop units shall only be used for B1 purposes as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

- 19) Before occupation of the dwelling(s), the workshops/studios/offices shall be available for use as such.

Reason: To ensure that the employment element of the proposal on which the conversion to residential relies, is provided, in accordance with Policy A60 of the Leominster District Local Plan (Herefordshire).

- 1.3 The workshop element approved in association with Unit 1, The Dairy House was relatively small with an overall floor area of 46 m2.
- 1.4 Planning permission is sought for the removal of Conditions 3, 7 and 19 in respect of Unit 1. This would enable the building to be used for wholly residential purposes. The application is accompanied by a market testing appraisal indicating that the building has been actively marketed by Lane Fox and that it has been registered on the Council's Property Register since 25 June 2003.

2. Policies

Leominster District Local Plan (Herefordshire)

- A35 Small Scale New Development For Rural Businesses Within Or Around Settlements
- A36 New Employment Generating Uses For Rural Buildings
- A60 Conversion Of Rural Buildings Outside Settlements To Residential Use

Herefordshire Unitary Development Plan (Deposit Draft)

- E10 Employment Proposals Within or Adjacent to Rural Settlements
- E11 Employment in the Countryside
- HBA12 Re-Use of Traditional Rural Buildings
- HBA13 Re-Use of Traditional Rural Buildings for Residential Purposes

3. Planning History

NW2001/1318/F - Conversion of farm buildings to form 4 dwellings with workshop/office space.

4. Consultation Summary

Statutory Consultations

- 4.1 Head of Engineering and Transportation raises no objection.

Internal Council Advice

- 4.2 Chief Forward Planning Officer advises that the principle of wholly residential use should be assessed against an appropriate market testing exercise.
- 4.3 Head of Community and Economic Development advises that since June 2003 only 2 poorly matched enquiries have been received in respect of Unit 1, The Dairy House.

5. Representations

- 5.1 Aymestrey Parish Council state :

'a) the original permission was granted on the basis that the characteristics of the building be retained. The condition to include workshop complied with this and should not be removed.

b) It is believed that it is the developer, not the occupier of this building that is requesting the removal of these conditions as the property is currently unoccupied. The conditions should not be removed on both these accounts.'

- 5.2 There are no other representations following the consultation exercise.
- 5.3 The full text of this letter can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issue for consideration in respect of this application is whether the subsequent marketing of The Dairy House indicates a lack of demand for the workshop space originally approved alongside the residential conversion. It is advised at this stage that the original permission which related to the complex as a whole was considered to be an appropriate compromise in the absence of market testing by the previous owner of the Lower Yatton Farm barns. The result was a permission which incorporated the restrictive conditions which are now being challenged.
- 6.2 The applicant, who is the new owner of the complex, has carried out the necessary marketing in accordance with the Council's Supplementary Planning Guidance and whilst it is acknowledged that the original permission is a very recent one, no formal offers have been made for the property. The reason for this would not appear to arise from a lack of demand since the estate agent advises that 3 suitable parties have come forward but subsequently withdrew their offers when the implications of the planning conditions were explained. This position is borne out by approaches made to the local planning authority since the building was put on the market.
- 6.3 It seems therefore that it is the restrictive nature of the conditions and the subsequent problems with mortgage companies that are precluding the occupation of the building. These factors coupled with the fact that Unit 1 only contained a very modest workshop area have led to the conclusion that there is little economic benefit in retaining the conditions in place so far as Unit 1 is concerned.
- 6.4 Had the full market testing exercise been carried out when the original conversion application was submitted, it is likely that the conditions would not have been imposed on this unit. As it has been carried out subsequently it is considered appropriate to now release this unit from those requirements.

RECOMMENDATION

That conditions 3, 7 and 19 in permission NW2001/1318/F issued on 8 January 2002 be deleted and replaced by the following condition(s):

- 1 - This permission relates solely to the converted barn known as Unit 1, The Dairy House, Yatton.**

Reason: The remaining building(s) have not been the subject of market testing in accordance with the Council's Supplementary Guidance in respect of The Re-Use and Adaptation of Traditional Rural Buildings.

- 2 - A10 (Amendment to existing permission)**

Reason: For the avoidance of doubt.

- 3 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

A60 Conversion Of Rural Buildings Outside Settlements To Residential Use

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

25 DCNW2003/3343/F - TWO STOREY EXTENSION AND CONSERVATORY TO DWELLING AND DETACHED GARAGE AT WESTON VILLA, GORSTY, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9JF

For: Mr D. Cotterall per Mr S Mitchell, 102 Bath Road, Cheltenham, GL53 7JX

Date Received:
6th November 2003

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
37117, 55834

Expiry Date:
1st January 2004

Local Member: Councillor R. Phillips

1. Site Description and Proposal

- 1.1 Weston Villa lies adjacent to the junction of the C1081 and C1082 roads to the south west of Pembridge. The area is characterised by a scattering of detached properties.
- 1.2 The proposal is for the erection of a two-storey extension to the rear of the property, which is currently undergoing renovation and conservation, and the provision of a new vehicular access onto the C1082 road to serve a new double garage. The position of the garage and access has been amended since the application was submitted.
- 1.3 The two storey rear extension is in the form of a twin gable replacing a two storey lean to element which previously existed. The additional accommodation will provide a kitchen and lobby at ground floor, a further bedroom at first floor level together with an en-suite facility for one of the existing bedrooms and a family bathroom. It is proposed to erect the conservatory on the south west side of the cottage.

2. Policies

Leominster District Local Plan (Herefordshire)

A54 – Protection of Residential Amenity

A56 – Alterations, Extensions and Improvements to Dwellings

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H18 – Alterations and Extensions

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection subject to conditions.

5. Representations

5.1 Pembridge Parish Council questions whether there are is control over premature removal of several trees from the site. However, there is no objection to the application.

5.2 A letter of objection has been received from Mr. C. Morgan of Gorsty Cottage. The objections are summarised as follows:

- a) The cutting back of the high hedge has already compromised privacy.
- b) The erection of the new extension includes windows on the elevation overlooking his property.

A letter of objection has also been received from Mr. and Mrs. Price of Yew Tree Cottage objections relating to scale and location of garage together with new drive and access (the garage and access position have subsequently been amended). Also concern about provision of conservatory and two storey extension causing overlooking of the rear of property and garden.

A block plan submitted shows position of building demolished many years ago and not the position of Yew tree Cottages itself.

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

6. Officers Appraisal

6.1 As referred to above, the proposed access position and garage has been amended leaving the garage significantly closer to the existing cottage and the new access and drive further away from Yew Tree Cottage and closer to the junction with the C1081. It is not considered that the position or scale of the garage are such that amenity of occupiers of Yew Tree Cottage are unreasonably compromised. The provision of the new access is acceptable in highway safety terms and the existence of the highway verge means that only a small section of hedge will have to be removed to provide visibility. Consequently, it is not considered that there are sufficient grounds to object to the new access in visual amenity terms. The new access will allow the existing one on the C1081, close to the front of the house, to be closed.

6.2 The clearance of some of the vegetation on site has opened up the rear of the property such that the new two storey extension is more prominent than the previous lean to two storey extension. Furthermore windows are proposed at first floor level where none previously existed. However, the distance and relative positions of the proposal and of Gorsty Cottage are such that it is not considered that there will be unreasonable

loss of privacy or amenity to occupiers of that property. Similarly it is not considered that there will unreasonable loss of privacy and amenity to occupiers of Yew Tree Cottage through either the two storey extension or the conservatory.

- 6.3 The design of the extension is such that the extension remains subservient to the main house and that the scale and design are appropriate to that particular property. Consequently it is considered that the proposal accords with local plan policy. On completion of the renovation/extension it is considered that the mobile home currently positioned adjacent to the junction should be removed.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

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

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

- 4 - E08 (Domestic use only of garage)**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

- 5 - H08 (Access closure)**

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

- 6 - 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.

- 7 - G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

- 8 - Within three months of the occupation of the dwelling the existing mobile home shall be removed from the site.**

Reason: It would be contrary to adopted policy to permit a separate mobile home in this location, and in the interests of preserving the visual amenity of this rural location.

Note to applicant:

- 1. N15 (Leominster District Local Plan, Policies A54 and A56)**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

26 DCNW2003/3402/F - RETROSPECTIVE OAK FRAMED PORCH AT CANDELMAS, KINTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LT**For: Mr. J.L. Thomas at above address.****Date Received:**
12th November 2003**Ward:**
Mortimer**Grid Ref:**
40991, 74563**Expiry Date:**
7th January 2004

Local Member: Councillor Mrs O. Barnett

1. Site Description and Proposal

- 1.1 Candemas is an attractive, unlisted timber-framed property which is located on the south side of an unclassified road (u/c 92207) on the edge of the hamlet of Kinton.
- 1.2 It occupies a relatively prominent position tight against the roadside boundary and at 90° to the highway.
- 1.3 The site lies in open countryside some 1.5 km to the east of Leintwardine.
- 1.4 Retrospective planning permission is sought for the retention of a timber framed porch which projects from the north-west elevation of the property close to and set behind a stone wall that partially defines the northern boundary of the site with the public highway.

2. Policies**Leominster District Local Plan (Herefordshire)**

A18 Listed Buildings And Their Settings

A56 Alterations, Extensions and Improvements to Dwellings

3. Planning History

- 3.1 None relevant.

4. Consultation SummaryStatutory Consultations

- 4.1 Head of Engineering and Transportation raises no objection.

Internal Council Advice

- 4.2 The Chief Conservation Officer raises concerns regarding the scale of the porch and the very elaborate framing and joinery which does not reflect the character of the existing building but advise that it is not so harmful as to detract from the setting of the nearby listed building.

5. Representations

- 5.1 Leintwardine Parish Council's comments that the porch is very dominant and too large for the scale of the cottage. It looks disproportionate. It must be said however, that the quality of the materials and building work are excellent.
- 5.2 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issue for consideration in the determination of this application is the scale of the porch and its impact upon the character and appearance of the existing property.
- 6.2 The concerns raised by the Parish Council and the Chief Conservation Officer are acknowledged and it is probable that were this application not retrospective, negotiations would have been undertaken to reduce the scale of the porch. Notwithstanding this as constructed the apparent size of the porch, which is set down will below the ridge and eaves line of the original cottage, is not so dominant as to unacceptably overwhelm the original cottage. Accordingly and on the balance therefore this retrospective proposal does not cause such demonstrable harm to the character of the property as to warrant refusal under the terms of Policy A56 of the Leominster District Local Plan (Herefordshire). Furthermore the setting of the adjacent listed buildings would be preserved in accordance with Policy A18 of the Local Plan.
- 6.3 It is suggested that the painting of the framing in black to match the original cottage will further reduce the visual impact of porch extension. This would be controlled by way of a condition suggested in the recommendation below.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

- 1 - B02 (Matching external materials (extension))**

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

- 2 - Within one month of the date of this permission the exposed oak framing used in the construction of the porch shall be painted or stained in a matt black colour to match the framing of the existing cottage.**

Reason: To ensure a satisfactory appearance upon completion of the development.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

27 DCNW2003/3420/RM - SITE FOR ONE DWELLING WITH DETACHED GARAGE AT LAND ADJOINING LITTLEBROOK COTTAGE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JP

For: Mr & Mrs S Williams per Mr A Last, Brookside Cottage, Knapton, Birley, Herefordshire, HR4 8ER

Date Received:
13th November 2003

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
33806, 55383

Expiry Date:
8th January 2004

Local Member: Councillor Roger Phillips

1. Site Description and Proposal

- 1.1 The application site is located in between Littlebrook Cottage to the immediate south and Tan House to the north, which is a Grade II listed property. The eastern boundary with the A480 is defined by a mature hedgerow whilst to the west in a wooded area with agricultural land beyond.
- 1.2 The site lies within the settlement boundary of Lyonshall and outline permission (NW2002/1533/O) exists for one dwelling.
- 1.3 This is a reserved matters application which seeks consideration of the acceptability of the siting, design, external appearance, landscaping and means of access to the site.
- 1.4 The submission follows detailed discussions with the applicant and comprises a 4 bedroom property constructed in brick on a stone plinth and with a slate roof. The proposed dwelling would be set back some 14 metres from the roadside boundary whilst remaining within the settlement boundary. A detached garage with a height of 3.6 metres is proposed in the front, north-west corner of the site. Access would be derived through the existing hedgerow boundary with the A480.

2. Policies

Leominster District Local Plan (Herefordshire)

- A18 Listed Buildings And Their Settings
- A24 Scale And Character Of Development
- A54 Protection Of Residential Amenity
- A70 Accommodating Traffic From Development

Herefordshire Unitary Development Plan (Deposit Draft)

- S2 Development Requirements
- DR1 Design
- HBA4 Setting of Listed Buildings

3. Planning History

NW2002/1533/O - Site for one dwelling - Approved 09/09/02.

4. Consultation Summary

Statutory Consultations

4.1 Head of Engineering and Transportation raises no objection.

4.2 Welsh Water raises no objection.

Internal Council Advice

4.3 Chief Conservation Officer advises that whilst the height of the dwelling could still be reduced its design and siting well back into the site will not detract significantly from the setting of the listed Tan House. The garage should be set down as low as possible on the site. Subject to conditions on materials, joinery details, finishes to joinery and the retention of the hedge, no objection is raised.

5. Representations

5.1 Lyonshall Parish Council state :

'The adjoining property Tan House, a listed building, faces south and from the application plans it is obvious that Tan House would look directly onto the proposed garage. The ground level where the garage is proposed is greater than Tan House and would therefore overwhelm Tan House. The proposed property is oversized for the site and out of proportion with the area and would again we believe overwhelm the surrounding properties; it appears to be far too large for the site and is not in keeping with the adjacent properties. The Parish Council have also asked for the surrounding hedge to be retained.'

5.2 One letter of objection has been received from Mr. R.P. Hussey of Tan House, Lyonshall. The concerns raised can be summarised as follows:

- our property would look directly at the garage which would be elevated above the ground level of our property thus blocking light into the lounge/dining room and bedrooms.
- garage would be better sited on opposite side of drive.
- dwelling appears large for size of plot.
- effect birdlife living in surrounding hedgerows.

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

6. Officers Appraisal

6.1 This is a Reserved Matters application and as such the appraisal will address each of these in turn:

Siting

- 6.2 The position of the proposed dwelling within the plot has been deliberately set back so as to reduce its visual impact with the specific aim of preserving the setting of the listed building to the north of the application site. The proposed garage would be more readily visible in views across the site towards the listed property but its modest height together with the reduction in ground levels indicated by the applicant would be sufficient so as not to cause demonstrable harm to the setting of the listed property.
- 6.3 The surrounding area is characterised by a mix of housing types with no strong theme emerging such that the siting as proposed would be in keeping with the general grain of development in this part of the village.
- 6.4 The siting of the garage has been raised as a concern by both the Parish Council and the occupants of Tan House. Whilst it is acknowledged that the outlook from this property will be affected it is maintained that at a distance of some 10.5 metres from the front elevation and a height of only 3.6 metres, the garage building would not result in any harmful overbearing effect, overshadowing or loss of light. It is advised that with the commitment to reduce the slab level of the garage to the minimum point possible and the retention of the existing hedgerow its impact would be further reduced.

Design and External Appearance

- 6.5 Pre-application discussions have sought to reduce the size of the proposed dwelling to an acceptable level with a maximum height of 7.8 metres reducing to 6.8 metres and 2.5 metres on the smaller elements. It is considered that the dwelling will not result in inappropriate over development of the plot.
- 6.6 The use of materials which incorporates brick, stone and slate is in keeping with the character of residential development in the locality and the design also takes account of the potential for overlooking towards the adjacent properties by ensuring that no windows appear in the north and south elevations.
- 6.7 The result is considered to represent an acceptable compromise having regard to the character of the site and its surroundings and the constraints imposed by the proximity of adjacent dwellings.

Landscaping

- 6.8 The site plan indicates the retention of the existing boundary hedge along the northern boundary with Tan House and the balance of hedgerow alongside the public highway. This is considered appropriate in terms of the landscaping requirements of this reserved matters application for one dwelling.

Access

- 6.9 Access would be provided directly from the A480 and would necessitate the removal of approximately 6 metres of hedgerow. The Head of Engineering and Transportation raises no objection to the design of the access and visibility will be acceptable given the width of the highway verge between the hedgerow and the carriageway.

RECOMMENDATION

That planning permission be granted subject to the following conditions :

- 1 - **A07 (Development in accordance with approved plans) (drawing nos. 03431/15 and 03431/16)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

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

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

- 3 - **E18 (No new windows in specified elevation) (north and south elevations)**

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

- 4 - **F48 (Details of slab levels)(garage)**

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

Notes to applicant :

- 1 - **The applicants attention is specifically drawn to the requirements of Conditions 6 (archaeological evaluation) and 8, 9 and 10 (foul and surface water drainage arrangements).**

- 2 - **The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

- A18 Listed Buildings And Their Settings**
- A24 Scale And Character Of Development**
- A54 Protection Of Residential Amenity**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

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