

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 24th March, 2004**

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Time: **2.00 p.m.**

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Place: **Council Chamber, Brockington**

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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.

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 24
To approve and sign the Minutes of the meeting held on 25th February, 2004.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	25 - 28
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
<b>5. HEAD OF PLANNING SERVICES REPORT</b>	29 - 122
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.	
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.	
<b>EXCLUSION OF THE PUBLIC AND PRESS</b>	
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.	
<b>RECOMMENDATION:</b>	
THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local	

**6. ITEM FOR INFORMATION - ENFORCEMENT**

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 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.)**

**7. DATE OF NEXT MEETING**

To note that the next Northern Area Planning Sub-Committee will be held on 21st April, 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.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

- Public transport access can be gained to Brockington via bus route 75.
- 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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You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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

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





## COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 25th February, 2004 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, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, Brig. P. Jones C.B.E., R.M. Manning, R. Mills, R. V. Stockton, J.P. Thomas and J.B. Williams (Ex Officio).

**In attendance:** Councillor P.J. Edwards

**60. SENIOR PLANNING OFFICER**

The Chairman reported that Mr R. Pryce, Senior Planning Officer, had secured a post with another local planning authority. In Mr Pryce's absence, he asked officers to convey the Sub-Committee's thanks to him for his professionalism over the years, and to wish him well in his new post.

**61. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs J.P. French, R.J. Phillips and D.W. Rule MBE.

**62. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
P.E. Harling	Agenda Item 5, Ref. 2 – DCNE2003/3344/F - New Bungalow & detached garage at:  <b>The Priory Gatehouse, Worcester Road, Ledbury, Herefordshire</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
P.J. Dauncey	Agenda Item 5, Ref. 10 – DCNC2003/3805/F - Refurbishment & extension to existing convenience store at:  <b>Hatton Park Stores, Hatton Park, Bromyard, Herefordshire</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**63. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 28th January, 2004 be approved as a correct record and signed by the Chairman.

**64. 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 NE2003/0664/O (Rosemore, Wellington Heath, Ledbury), the Principal Planning Officer confirmed that Members' decision had been contrary to officers' advice.

In respect of Planning Application DCNW2003/2276/O (Firtree House, Holmesmarsh, Lyonshall, Kington), members noted that the Inspector's decision was contrary to previous appeal decisions on similar issues, and as a result, officers would closely review it and challenge it if appropriate.

**RESOLVED:** That the report be noted.

**65. 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****66. 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.)

The meeting ended at 3:52 p.m.

**CHAIRMAN**



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**APPENDIX**

*Note: Due to the large number of public present for this item, the Chairman agreed to consider Ref 9 (DCNC2003/3755/F – Tack Farm, Ullingswick) first. The remainder of the business was considered in the order as it appeared in the agenda.*

Ref. 1  
**COLWALL**  
 DCNE2003/2798/F

Erection of ten, three bedroomed dwellings with garages at:

**SITE OFF STATION ROAD, COLWALL, MALVERN, HEREFORDSHIRE**

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

Some members expressed concern about the following issues:

- The site was located in an Area of Outstanding Natural Beauty (AONB), and as such, was particularly sensitive. With reference to Paragraph 4.1 of the report, the AONB advice had concurred with the Parish Council's comments, and had recommended stringent conditions should the application be approved. Some members felt that the requisite reasons for allowing development in an AONB had not been given in the case of this application. In particular, it was felt that the proposed density of ten dwellings was too great, and that this would have a detrimental impact in the amenity of the area;
- Some members did not feel that the development was "essential", as stipulated in Landscape policy 2 of the Malvern Hill District Local Plan;
- Some members questioned whether the environmental effects of the application had been fully considered as suggested by PPG7, and whether the economic considerations outlined in PPG1 had been fully explored.

The Principal Planning Officer said that the proposed density was within the guidelines recommended by PPG3. In addition, because the site was located within the Colwall settlement boundary, the principle of development was acceptable. He referred to nearby developments of similar density to illustrate this point, and stated that, when viewed from the Malvern Hills, the site fell naturally within the village.

The Northern Divisional Planning Officer said that planning policy guidance had been adhered to in making the recommendation in the report, and reminded members that this would also form the basis of any appeal.

Having considered all aspects of the application, the Sub-Committee was minded to refuse it on social and economic grounds, because it was felt that the proposed density was too high, and because of the detrimental impact on the surrounding AONB.

The Principal Lawyer (Planning, Environment and Transport) advised members of the Council's referral procedure which was used in instances when members were minded to make a decision against officer advice.

**RESOLVED: That**

- (i) **The Northern Area Planning Sub-Committee is minded to refuse the application, subject to the reasons for refusal listed below (and to any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- 1. Density**
  - 2. Economic and social grounds – PPG1**
  - 3. Detrimental to surrounding Area of Outstanding Natural Beauty – PPG7.**
- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

(Note: The Chief Development Control Officer said that he would refer the application to the Head of Planning Services.)

Ref. 2  
**LEDBURY**  
DCNE2003/3344/F

New bungalow and detached garage at:

**THE PRIORY GATEHOUSE, WORCESTER ROAD, LEDBURY, HEREFORDSHIRE**

**For: Mr & Mrs D Studman per Mr B Mills, Henry Mein Partnership, 12 Clarenmon Street, Nottingham, NG1 5HG**

A further email from Gail Simmons was reported. The email had expressed some points previously made, and some new points as follows:

- A request had been made for the construction of a 6ft wall on the west boundary, and that this be undertaken by the developers;
- Herefordshire Council should be liable for any damage occasioned to persons or vehicles as a result of the development.

In accordance with the criteria for public speaking, Mr Burford of Hook Mason spoke in objection to the proposal and Mrs Studman, the applicant, spoke in support.

The local member, Councillor Ashton, stated that there had been local concern about the potential for traffic congestion as a result of the access. In response, the Engineering and Highway Maintenance Technician (North) said that when examining the proposal, the engineering team had considered the available widths for vehicle manoeuvre at this point and had found the access to be acceptable, although there was merit in clarifying where the stop line lay at the traffic lights.



He said that installing traffic lights at the access would not improve the situation because it would create difficulties with the timing of lights on the nearby junction. The Principal Planning Officer suggested imposing an additional condition to demarcate the footpath and the driveway/access with a white line.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to the following conditions, and to any further conditions considered necessary:**

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

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

**2. A09 (Amended Plans)**

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

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

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

**4 - 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.**

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

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

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

**Reason: To safeguard the amenities of the locality.**

**7 - 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.**

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

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

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

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

**10 - F18 (Scheme of foul drainage disposal)**

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

**11 G17 (Protection of trees in a Conservation Area)**

**Reason:** To ensure the proper care and maintenance of the trees.

**12 G18 (Protection of Trees)**

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

**13 H17 (Junction improvement/off site works)**

**Reason:** To ensure the safe and free flow of traffic on the highway.

**14 H27 (Parking for site operatives)**

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

**Informative:**

**1 - N15 (Reason for grant of PP/LBC/CAC)**

**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**

Ref. 3

**SHOBDON**

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, Carm.**

The Northern Divisional Planning Officer reported that the applicant had advised that one of the objectors, Mrs Symonds, had moved from the area and her objection, in the opinion of the applicant, should be discounted. He also reported on some minor changes to the recommendation.

In accordance with the criteria for public speaking Mr Woods spoke in objection to the proposal and Mr Johnston of Zintec, spoke in support. It was also noted that Mr Sharp of Shobdon Parish Council had registered to speak on the application, and was not present at the meeting.

In response to a question, the Northern Divisional Planning Officer reported that there was evidence of the former existence of trees on part of the site but the Forestry Commission were not able to investigate further, and also evidence of fly tipping, and this was the reason for recommending that approval of the application be delegated to officers, subject to the observations of the Environment Agency.

**RESOLVED: That Subject to there being no objection from the Environment Agency, nor any circumstance arising from their comments to prevent erection of the building, the officers named in the Scheme of Delegation to Officers be authorised to approve the application, with the involvement of the local member, subject to the following conditions and to any further conditions considered necessary by officers:**

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

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

**2 - 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.

**Informative:**

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**

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Ref. 4

**LEINTWARDINE**

DCNW2003/2846/O

Site for proposed storage, office, toilets building at

**PART O.S.7900, PAYTOE LANE, LEINTWARDINE.**

For: **K J Watkins & Sons per Garner Southall Partnership, 3 Broad Street, Knighton, Powys LD7 1BL**

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

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

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

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

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

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

3 - **A04 (Approval of reserved matters ) (landscaping)**

**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)(landscaping)**

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

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

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

- 6 - Prior to the commencement of the development hereby approved full details of the method of construction of the building in relation to its floodable design shall be submitted to and approved in writing by the local planning authority. The building shall be constructed in accordance with the approved details and thereafter maintained.

Reason: To protect the development from flooding.

- 7 - Prior to the commencement of the development hereby approved details of the removal of the portacabin, spoil heaps and any other structures shall be submitted to and approved in writing by the local planning authority. These shall be permanently removed from site prior to the first occupation of the building hereby approved.

Reason: To compensate for the loss of flood storage capacity associated with the construction of the new industrial unit.

- 8 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 8 shall be carried out.

Reason: In recognition of the sites location in the flood plain of the River Teme.

- 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 - 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.

Informative(s):

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

Hereford & Worcester County Structure Plan

E6 Development In Rural Areas Outside The Green Belt  
CTC9 Development Criteria

Leominster District Local Plan

A9 Safeguarding The Rural Landscape  
A15 Development And Watercourses  
A24 Scale And Character Of Development

**A28 Development Control Criteria For Employment Sites  
A31 Employment Generating Uses Within Or Around The Market Towns  
A35 Small Scale New Development For Rural Businesses Within Or  
Around Settlements**

Ref. 5  
**KINGTON**  
DCNW2003/3732/F

Erection of three cottages on

**LAND OFF KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE**

For: **Tabre Developments per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford HR1 1LH**

The Principal Planning Officer said that a structural engineer had advised that the use of a pile/raft foundation would enable retention of the trees identified on the site plan. He added that the scheme had been improved so that the proposed buildings would be set back and utilise more appropriate materials. He added that there was merit in providing a landscaping scheme along the front of the development. It was agreed that further discussions involving the Chairman and the local member would be necessary to achieve the best approach in terms of tree retention and the additional landscaping of the site.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to approve the application, with the involvement of the local member, subject to the following conditions and any further conditions considered necessary by officers:**

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

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

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

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

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

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

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

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

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

**Reason: To preserve the setting of the individual dwellings in the interest of protecting the character and appearance of the conservation**

area and local amenity.

- 6 - E18 (No new windows in specified elevation ) (in the west elevation of Plot 1 and east elevation of Plot 3).

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

- 7 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 8 - F17 (Scheme of foul drainage disposal )

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

- 9 - 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.

- 10 - G04 (Landscaping scheme (general)) (including the repair/rebuilding of the stone wall)

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 - H06 (Vehicular access construction )

Reason: In the interests of highway safety.

- 14 - H09 (Driveway gradient )

Reason: In the interests of highway safety.

- 15 - 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.

- 16 - H27 (Parking for site operatives )

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

**Informative(s):**

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

**A10 Trees And Woodlands**

**A12 New Development And Landscape Schemes**

**A18 Listed Buildings And Their Settings**

**A21 Development Within Conservation Areas**

**A24 Scale And Character Of Development**

**A54 Protection Of Residential Amenity**

**A70 Accommodating Traffic From Development**

Ref. 6

**LEDBURY**

DCNE2003/3338/F

Removal of condition 6 of planning permission MH92/1564

**SOMERFIELD STORES LTD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EZ**

**For: Somerfield Stores per Edmund Kirby, India Buildings, Water Street, Liverpool. L2 0TZ**

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

In response to a question, the Principal Planning Officer confirmed that the original condition had been imposed on the extension, and not the initial planning permission.

Members noted that the loading and unloading of lorries, and improper use of the loading bay facilities at this site had on occasion caused disruption to the local residents. In view of this, it was agreed that approval should be delegated to officers, subject to further discussions with the applicant to ensure that conditions would be stringently adhered to, and that the Chairman and the local members would be involved in this process.

**RESOLVED: That Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, with the involvement of the Chairman and the local members, subject to the following conditions, and to further discussions with the applicant to ensure compliance with these**



conditions:

- 1 - All engines shall be stopped when the vehicles have parked ready for loading and unloading and any refrigeration units shall be connected to an external supply feed from the store.
- 2 - The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of [7.00 am to 6.00 pm] Mondays to Fridays and [7.00 am to 1.00 pm] on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

### Informatives

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

### Hereford and Worcester County Structure Plan Policy CTC9 – Development Requirements

Ref. 7  
**LEDBURY**  
DCNE2003/3673/F

Retention of warehouse building at

**PARKWAY GARAGE, PARKWAY, LEDBURY, HEREFORDSHIRE, HR8 2JD**

For: **European Aviation Ltd. per R S Green Assoc,  
1 Fields Park Lane, Newport, South Wales. NP20 5BU**

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

- 1 - Within 3 months of the date of this permission the existing tarmac surfacing and sub-stone shall be removed on the south and west sides of the building with the exception of 900 mm adjacent to the building for access purposes.

Reason: In order to protect the adjoining trees.

- 2 - Upon removal of the tarmac and sub-stone a suitable material shall be placed and graded in that area in a manner to be agreed in writing with the local planning authority within 1 month of the tarmac and sub-stone being removed.

Reason: In order to protect the adjoining trees.

- 3 - Within 3 months of the date of this permission a tree survey with remedial works for the trees adjacent to the southern and western sides of the building shall be submitted for approval in writing of the local planning authority and the works undertaken within 2 months of

approval unless otherwise agreed in writing with the local planning authority.

**Reason: In order to protect the adjoining trees**

**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 - E06 (Restriction on Use ) (used for warehousing for the storage and display of motor vehicles for sale)**

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

**Informative:**

**1 - N15 (Reason for grant of PP)**

**Hereford and Worcester County Structure Plan**

Policy CTC9 – Development Requirements

Policy E6 – Industrial Development in Rural Areas

**Malvern Hills District Local Plan**

Employment Policy 7 – New Building Employment in the Open Countryside

Employment Policy 10 – Expansion on Industrial Sites

Transport Policy 11 – Traffic Impact

Transport Policy 14 – Petrol Filling Stations - Existing

Ref. 8  
**COLWALL**  
 DCNE2003/3843/F

Demolition of existing bungalow, replacement with new bungalow garage & carport at

**SUNSET VIEW, CRESCENT ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6QW**

**For: Mr & Mrs D & E Hallam per Morton Rosemead Evendine Lane Colwall Nr Malvern WR13 6DT**

In accordance with the criteria for public speaking, a representative of Mr and Mrs Morley spoke in objection to the application.

The Principal Planning Officer indicated the proposed position of the new bungalow on the plot, which had been realigned to provide a more southerly aspect. He confirmed that the distance from the new building to the curtilage was approximately 2.5 metres. In response to a question from Councillor Stockton, the

local member, he confirmed that discussions had taken place with the applicant concerning the positioning of the new bungalow, and the current proposal was the result of those discussions. The Chief Development Control Officer added that the site was well screened, and coupled with the fact that the proposed property was single storey, it would be difficult to present a reasonable case of loss of privacy or light in respect of the nearby residents.

**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<sup>rd</sup> February 2004)**

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

**Reason:** To safeguard the amenities of the locality.

**5 - E19 (Obscure glazing to windows )(all windows on north elevation)**

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

**6 - G01 (Details of boundary treatments )**

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

**7 - H04 (Visibility over frontage )**

**Reason:** In the interests of highway safety.

**8 - Prior to commencement of the development details of the method and site for the disposal of all waste materials arising from the demolition of the existing bungalow shall be submitted in writing for the approval of the local planning authority. The demolition shall be carried out in accordance with the agreed details.**

**Reason:** In order to ensure the appropriate disposal of waste materials.

**Informatives:**

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

**Hereford and Worcester County Structure Plan**

- H16A – Housing in Rural Areas
- H18 – Housing in Rural Areas Outside the Green Belt
- CTC1 – Areas of Outstanding Natural Beauty
- CTC2 – Areas of Great Landscape Value
- CTC9 – Development Requirements

**Malvern Hills District Local Plan**

- Housing Policy 3 – Settlement Boundaries
- Housing Policy 18 – Tandem and Backland Development
- Landscape Policy 2 – Areas of Outstanding Natural Beauty
- Landscape Policy 3 – Development in Areas of Great Landscape Value

Ref. 9  
**ULLINGSWICK**  
DCNC2003/3755/F

Upgrade an access track to a stone surface at

**THE TACK FARM, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ**

For: **Ms K Kawczynski, at the same address.**

The Sub-Committee agreed that a site inspection should be held on the following grounds:

- The character or appearance of the development itself was a fundamental planning consideration;
- A judgement was required on visual impact; and
- The setting and surroundings were fundamental to the determination or to the conditions being considered.

In accordance with the criteria for public speaking, Mr Hoskins of Much Cowarne Parish Council, and Mr Daly, an objector, who were present at the meeting, 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. 10  
**BROMYARD**  
DCNC2003/3805/F

Refurbishment & extension to existing convenience store at

**HATTON PARK STORES, HATTON PARK, BROMYARD, HEREFORDSHIRE**

For: **Mr M Cockayne per Amber Project Management Ltd, c/o 27 High Street, Bromyard HR7 4AA**

The Sub-Committee agreed that a site inspection should be held on the following grounds:

- The character or appearance of the development itself was a fundamental planning consideration; and
- The setting and surroundings were fundamental to the determination or to the conditions being considered.

In accordance with the criteria for public speaking, Mr Edwards, an objector, was present at the meeting, and reserved his 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. 11  
**LUSTON**  
DCNC2003/3817/F

Construction of two detached cottages at

**PLOT 4, LAND TO THE REAR OF THE BALANCE INN, LUSTON, LEOMINSTER. HR6 OBE**

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

The Sub-Committee agreed that a site inspection should be held on the following grounds:

- The character or appearance of the development itself was a fundamental planning consideration;
- A judgement was required on visual impact.

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

Ref. 12  
**BROMYARD**  
DCNC2004/0014/F

Change of use of existing shop to hot food take-away pizza/kebab restaurant and new rendered enclosure for extract duct at

**3 CRUXWELL STREET, BROMYARD, HEREFORDSHIRE, HR7 4EB**

For: **Mr T Acar per Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA**

The local members, Councillors P. Dauncey and B. Hunt, felt that the application should be refused on the grounds outlined in Paragraph 6.1 of the report, excepting the words "and smell". They cited an additional reason for refusal, that the application was likely to be detrimental to highway safety through illegal parking and related obstruction of the free flow of traffic between two busy junctions.

Referring to Paragraph 5.2 of the report, the Chief Development Control Officer stated that the officer's recommendation should be supported because occurrences of illegal parking and other related issues were not within the applicant's control. He confirmed that issues relating to smell had been addressed.

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

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

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

**2 - The use hereby permitted shall not be open to customers between the hours of 11pm and 9am Mondays to Sundays.**

**Reason: To safeguard the amenities of the locality.**

**3 - F37 (Scheme of odour and fume control )**

**Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.**

**4 - F38 (Details of flues or extractors )**

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

**Informative:**

**1. N15 (Reasons for grant of pp)**

**Malvern Hills District Local Plan**

**Shopping Policy 1 - Shopping Hierarchy**

**Shopping Policy 2 - Principal Shopping and Commercial Areas**

**Shopping Policy 3 - Restrictions on Development within the Principal Shopping and Commercial Areas**

**Shopping Policy 5 - Secondary Shopping Frontages**

**Conservation Policy 2 - New Development in Conservation Areas**

**Conservation Policy 9 - Alterations and Extensions to Listed Buildings**

**Conservation Policy 10 - Alternative Uses for Listed Buildings**







**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCNC2003/2994/F**

- The appeal was received on 19th February 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 C. Williams
- The site is located at 107A, Bridge Street, Leominster, Herefordshire, HR6 8EA
- The development proposed is Erection of a garage and new vehicular access
- The appeal is to be heard by Written Representations

**Case Officer: Philippa Lowe on 01432-383085**

**Application No. DCNE2003/3114/F**

- The appeal was received on 11th March 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 I Locker
- The site is located at Bayern, Walwyn Road, Colwall, Malvern, Herefordshire, WR13 6QG
- The development proposed is Two storey extension to existing dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Kevin Bishop on 01432-261803**

**APPEALS DETERMINED****Application No. DCNW2003/2736/F**

- The appeal was received on 24th November 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 B.A. Morgan
- The site is located at Chickward Farmhouse, Chickward, Kington, Herefordshire, HR5 3ET
- The application, dated 10th September 2003, was refused on 24th October 2003
- The development proposed was Proposed two storey extension
- The main issue is the effect of the proposal on the appearance of Chickward Farmhouse.

**Decision:** The appeal was **DISMISSED** on 26th February 2004

**Case Officer: Simon Withers on 01432-261781**

**Application No. NE2003/0233/F**

- The appeal was received on 9th October 2003
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against planning conditions namely: No. 5 “The residential accommodation within the barn conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Church House” and No. 7 “The granny annexe and business uses of the barn hereby permitted shall not be sold or let independently of Church House”
- The appeal was brought by Mr M Davies
- The site is located at Church House, Rectory Lane, Cradley, Malvern, Herefordshire, WR13 5LH
- The application, dated 16th January 2003, was approved with the conditions on 2nd April 2003
- The development proposed was 1. Change of use & alterations to Cider House to half office, half residential, 2. Retention of double garage, 3. Extension & new roof on pavilion and 4. Extension to house

**Decision:** The appeal was **DISMISSED** on 24th February 2004

**Case Officer:** Russell Pryce on 01432-261795

**Application No. NW2003/1084/T**

- The appeal was received on 21st November 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 T-Mobile (UK) Ltd
- The site is located at BURGOYNES (LYONSHALL) LTD, -, Lyonshall, Kington, Herefordshire, HR5 3JR
- The application, dated 11th April 2003, was refused on 2nd June 2003
- The development proposed was Telecommunications equipment comprising 12 metre telegraph pole, 1 tri-sector antenna and an equipment cabinet and concrete base with a fitted A4 safety sign.
- The main issues are (a) the visual impact of the proposed pole, (b) the technical need for the installation, and (c) the availability of an alternative shared or individual site.

**Decision:** The appeal was **ALLOWED and prior approval granted** on 9th March 2004 subject to two conditions relating to landscaping details.

**Case Officer:** Simon Withers on 01432-261781

**Application No. NC2003/1149/T**

- The appeal was received on 27th November 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 T-mobile (UK) Limited
- The site is located at Camp Wood, Ashton, Herefordshire
- The application, dated 14th April 2003, was refused on 6th June 2003
- The development proposed was Telecommunication equipment comprising of 12 meter telegraph pole, 1 bi-sector antenna, a T-Mobile UK Ltd Ericsson RBS2101 with concrete base.
- The main issue is the visual impact of the proposed pole in the landscape, having regard to the technical need for the installation and the availability of an alternative shared or individual site.

**Decision:** The appeal was **DISMISSED** on 9th March 2004

**Case Officer: Case Officer: Duncan Thomas on 01432-383093**

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



**24 MARCH 2004**

**SITE INSPECTIONS**

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1	Mrs K Kawczynski	Upgrade an access track to a stone surface at The Tack Farm, Ullingswick	DCNC2003/3755/F	31 – 42
2	Mr M Cockayne	Refurbishment and extension to existing convenience store at Hatton Park Stores, Hatton Park, Bromyard	DCNC2003/3805/F	43 – 46
3	Mr S Bengree	Construction of 2 detached cottages at Plot 4, land to rear of The Balance Inn, Luston	DCNC2003/3817/F	47 – 50

**APPLICATIONS RECEIVED**

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
4	S & A Property Ltd	Construction of amenity building, toilet buildings and siteworks for 300 unit caravan standing for farmworkers accommodation at Brierley Court Farm, Brierley, Leominster	DCNC/2004/0321/F	51 – 52
5	Bioganix Ltd	Pilot plant and associated buildings for accelerated composting of organic material for 5 years at Wharton Court, Wharton, Leominster	DCNC2003/1895/N	53 – 56
6	K Neil and T Jenkins	Retention of timber framed building and continued use of the building for furniture sales and storage at Foley House, 39 Bye Street, Ledbury	DCNE2003/3714/F	57 – 60
7	Mr & Mrs R Higgins	Use of land for storage of equipment and materials in association with the applicant's landscape business. Remainder of the land, change of use from agricultural to domestic curtilage and retention of dewpond at The Old Bakehouse, Parkway, Ledbury	DCNE2004/0323/F	61 – 66
8	R M Caldicott & Sons	Construction of 6 new dwellings at former engineering site, Pinsley Road, Leominster	DCNC2003/2699/F	67 - 72
9	Rocrest Ltd	Construction of 3 no. 2-bed cottages and 2 no. 2-bed flats at site at	DCNC2004/0101/F	73 – 78

10		junction of Pump Street and Little Hereford Street, Bromyard  Demolition of walls at same address	DCNC2004/0102/C	
11	Mrs G H Galvagni	Site for one single storey dwelling at 85A South Street, Leominster	DCNC2004/0280/O	79 – 84
12	Mr Johns	Siting of residential gypsy static caravan accommodation with associated works at Pool Head Orchard, Chapel Lane, Bodenham	DCNC2004/0293/F	85 – 90
13	Surestart	Nursery and Family Centre off Coningsby Road, Leominster	DCNC2004/0430/F	91 – 94
14	Mr M Roper	Erection of a detached dwelling on land to the rear of No. 7 High Street, Kington	DCNW2004/0123/F	95 – 100
15	Mr B Thomas	Erection of hay/straw and implement storage barn at Hurstley Court, Kinnersley	DCNW2004/0197/F	101 – 104
16 & 17	Messrs D A & S A Jaques	Conversion and change of use from public house to 2 no. shops and 7 no. dwelling units at The Castle Inn, Church Street, Kington	DCNW2004/0260/F DCNW2004/0261/L	105 – 116
18	Mr R L Norman & Miss P Hulme	Reconstruction of demolished cottage at Moseley Cottage, Pembridge	DCNC2004/0429/F	117 - 122

**1 DCNC2003/3755/F - UPGRADE AN ACCESS TRACK TO A STONE SURFACE AT THE TACK FARM, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ****For: Ms K Kawczynski , at the same address.****Date Received:**  
**15th December 2003****Ward:**  
**Frome****Grid Ref:**  
**59823, 49235****Expiry Date:**  
**9th February 2004**

Local Member: Councillor R Manning

**Introduction**

This application was deferred at the last meeting to enable a site visit to be undertaken. This report has been updated.

**1. Site Description and Proposal**

- 1.1 Tack Farm lies to the south of Ullingswick on the C1118 approximately 6 miles to the south-west of Bromyard. Bridleways MJ1 and UW10 run into and cross the application site.
- 1.2 Tack Farm comprises a farmhouse together with a group of farm buildings of various sizes and designs.
- 1.3 The redundant farm buildings were converted recently to provide stabling in association with a livery business which included the formation of a new schooling area and ancillary activities.
- 1.4 The current proposal only relates to the proposed re-surfacing of existing tracks which cross the farm. The proposal is to excavate to 300mm deep and infill with stone and top with ¾ inch to dust stone.

**2. Policies**Malvern Hills District Local Plan

Landscape Policy 7 agricultural and forestry buildings and roads

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1 Design

Policy DR4 Environment

Policy LA2 Landscape Character and areas least resilient to change

### 3. Planning History

NC2001/2391/F Conversion of existing farm buildings to stables, livery yard and saddlery. Formation of 20m x 40m schooling area. Approved 21 November 2001.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objections to the proposed development but notes if works take place near a watercourse care must be taking to ensure protection against pollution, silting and erosion. Any culverting or damming of a watercourse requires prior written approval. A further letter states that it is not anticipated that the new track will pose a significant risk to the adjacent watercourse.a
- 4.2 Forestry Commission: The proposal will have no effect on the woodland and consequently no comment.

#### Internal Council Advice

- 4.3 Head of Engineering and Transportation: No objection.
- 4.4 Public Rights of Way Manager: The proposed development would appear to affect public bridleways MJ1 and UW10. It is confirmed that prior authorisation has been granted by the Highways Authority to surface the bridleway (PROW/386-10/TDT dated 25 July 2003). It is recommended that the application should be subject to conditions relating to drainage of the new surface, provision of temporary alternative route during development work. Further conditions are recommended regarding safeguarding the safety of users of the bridleway by use of signage and restricting vehicular access.

### 5. Representations

- 5.1 Ocle Pychard Group Parish Council set out a detailed response expressing their concern regarding the proposed development which has been copied in full as appendix 1.
- 5.2 Much Cowarne Parish Council considered much further investigation and consultation is necessary before Northern Planning Services can properly consider this application. Their detailed response has been copied in full as appendix 2
- 5.3 The Ramblers Association: consider that the proposal will materially alter the character of the bridleway, but accept that in practical terms efforts are required to ensure all users of the bridleway can do so in reasonable safety. Suggest that character of the bridleway should be retained as much as possible and that without compelling reasons the section from Tack Farm track to unclassified road should remain unchanged. They also query opening up further footpath links, the likely further use of the bridleway associated with events and likely traffic issues that could result.
- 5.4 Letters of representation have been made by
- G.H Spenser, Dora Cottage, Ullingswick
  - Mr. Mrs M.P.D Daly, Ballgate, Ullingswick
  - Mrs. J. Clainey, Broxash Cottage, Ullingswick
  - Mr. K G Rushgrove, c/o Tidmore Cottage, Ullingswick



- Mrs. H Evans, 110 Ecroyd Park, Credenhill
- Mr. D J Rushgrove, 40 Ter Rue Des, Ursulines, France
- Mr P Perry, Sheeppotts Court, Ullingswick
- Ms R Brown, Woodhill Cottage, Ullingswick
- Mr C & M Wilson, The Old Rectory, Ullingswick
- Mrs C Lewis, The Old Barn, Hillhampton, Burley Gate
- Mrs L E Duthy-James, Thornfield, Ullingswick
- Mrs S J Birch, Burley Gate Farmhouse, Birley Gate
- The Morgan Family, Hathways Bungalow, Burley Gate
- Wg Cdr L F Whittingham OBE & Mrs Whittington, Blue Cedars, Ullingswick
- Mr & Mrs D Bedwell, Greencroft, Ullingswick
- Mrs S Champness, The Oast House, Ullingswick
- Helen Spencer, Goldwell, Ullingswick
- Mr B & Mrs J M Bridges, Townsend House, Ullingswick
- Mr Mrs Bayliss, Bleak House, Ullingswick
- Mr N G & Dr J Stevens, Fairview, Ullingswick
- Mr Mrs Grundy, Old School House, Ullingswick
- Dr A K Barlow, Hillview, Ullingswick
- Mr Mrs Fisher, Tidmore Cottage, Ullingswick
- Mr Henry Howland, The Steppes, Ullingswick
- Mr P Kelly, 24 Rumsay Gardens, Rumsay, Barnstable, Devon

5.5 The main areas of concern are:

Issues relating to existing bridleway:

- Previously impassable in wet weather due to heavy usage by contractors and landrover, associated with Tack Farm.
- Its condition has now recovered together with wild flowers.
- Existing surfacing more than adequate.
- Proposed surface is yet more creeping urbanization in this beautiful part of rural Herefordshire and will be an unnecessary and unwanted intrusion into the rural environment.
- Softer ground, rather than stone is the preferred surface for walker, riders and dogs.
- Will result in destruction of perfectly good bridleway.
- Will adversely and materially affect the character of the bridleway.
- This is a frequently used route, with exceptional views.
- Will affect enjoyment by the public and local amenity.
- Likely to be an increase in use of the route by vehicles.
- Security to nearby properties would be compromised.
- Potential use of track by trade stands, caterers and ambulances, associated with events taking place at Tack Farm.
- Potential danger of horses jumping over bridleway.
- Potential conflict between walkers and riders.
- Request extension of bridleway to link up to other footpaths on the farm.
- Stoning the track will limit local horse riders being able to ride at a faster pace i.e at canter.
- Accuracy of application documents queried regarding use of land, impact on public right of way and disposal of waste material.

Impact on local environment:

- Large amount of waste material generated by development, details of disposal needed.
- Detrimental effect on watercourses of run-off from surface material.
- Large number of lorries bringing aggregates to the site.
- Access track from the farm should have had planning permission.

Countryside/ amenity:

- Will destroy habitat purely for commercial reasons.
- Negative impact on the environment and community as a whole
- Impact on biodiversity value

- 5.6 Other issues were also raised within letters of representation regarding equestrian activities and events, which have been taking place at the site. These concerns have been passed to the Council's enforcement officer for further investigation. They are, however, not directly relevant to the determination of this application, and consequently not listed.
- 5.7 The applicant has submitted a statement, which makes it clear that the justification for the proposed upgrade of the track is to allow safe access from the main farm buildings to the fields around the rest of the property. The work is considered crucial to the operation of the farm, to gain access to the best winter grazing fields, which are the four furthest away from the stables. The track has become heavily waterlogged making passage of people, animals and vehicles dangerous and impossible for the majority of the winter. Eight letters expressing their support for the proposed works accompanied the statement. These refer to the problems of accessing nearby fields in the winter months and potential hazard that this represents to both people and horses.
- 5.8 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 principal issues which relate to the determination of this application are:-
- impact on existing bridleway and its usage
  - impact on landscape character of the area
  - impact on surrounding area

Impact upon bridleway:

- 6.2 The proposed re-surfacing of the existing bridleway and farm track will not restrict access or usage of the publicly accessible parts of the route. There is a legal requirement to safeguard the width and route of a bridleway and the Public Rights of Way Manager is satisfied that the proposed works, subject to conditions will not adversely affect the historic route.
- 6.3 It is intended that use of the bridleway will be restricted to farm vehicles and tractors involved in servicing the surrounding land and bringing hay to the fields. Horses will also be brought along the routes, as has been done in the past thus avoiding use of the adjacent highway.

- 6.4 The track will also be a route for use by emergency vehicles in the event of an accident. It is not intended however that any members of the public associated with activities at Tack Farm will use the bridleway to gain vehicular access to the site.
- 6.5 To ensure the safety of both riders and pedestrians, signage is recommended at the access point to Tack Farm, as set out in the recommendation.
- 6.6 The Public Rights of Way Manager has confirmed that the change in surface material should not adversely affect the usage of the track and subject to satisfactory drainage arrangements to prevent waterlogging and damage to the new surface, should ensure full access all year round.
- 6.7 With regard to holding equestrian events in close proximity to the public bridleway, the Public Rights of Way Manager has raised no objection in principle. This is subject to the applicant being informed of the need for additional signage and stewarding and that the bridleway is kept free of obstruction all to ensure the safety of users.

Impact on landscape character of the area:

- 6.8 The finished surface material of stone topped with dust stone incorporates natural materials appropriate to the area.
- 6.9 The upgrading works are to existing tracks and routes, which are bounded in part by native hedgerows which provide a degree of screening for the proposed development. As such it is not considered that the proposed works would be harmful to the character or appearance of the area.

Impact on surrounding area:

- 6.10 Subject to conditions restricting vehicular access along the bridleway the impact on the surrounding area should be minimised. The activities associated with the adjacent equestrian business do not fall for consideration within the current application and can be undertaken without the need for a formal application, on the basis that they take place for no more than 28 days in total in any calendar year. The applicant has, however, confirmed that access to Tack Farm for members of the public is restricted to the main farm entrance and that there is no public right of way to access from the highway along to the bridleway.
- 6.11 As set out above, the proposal relates solely to surfacing of access tracks. The works are justified in terms of the operational needs of the business unit and there are no material planning reasons or policy objections to the proposed development. 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 - Prior to the commencement of any of the development hereby approved details of the land drainage associated with the re-surfaced track shall be submitted to and approved in writing by the local planning authority. Provision should be made to incorporate drainage channels cut at angles across the track at regular intervals**

**Reason: To minimise run-off and control erosion.**

- 3 - Prior to the commencement of the development hereby approved details of the following advisory signage shall be submitted to and approved in writing with the local planning authority:**

**i) warning signs to be placed at either end of the bridleway to advise users that an equestrian event is taking place.**

**ii) warning signs at the point where any horse jump crosses the bridleway to warn bridleway users of the presence of the jump.**

**iii) these signs must be removed upon completion of the event.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 4 - The bridleway must not be obstructed in any way by activities associated with the equestrian event.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 5 - Vehicular access along the bridleway should be restricted to Tack Farm vehicles servicing the land and emergency vehicles only and must not at any time be used for general event traffic.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 6 - Any horsejump with an approach or exit route crossing the line of the public bridleway, must only be used in connection with an organised equestrian event. In such cases, safety stewards must be provided to ensure safe and unhindered passage to users of the public bridleway.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 7 - Prior to the commencement of any of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority:**

**i) weight limit of aggregate delivery/collection lorries**

**ii) route for aggregate delivery/collection lorries**

**The details as approved shall thereafter be carried out in their entirety in accordance with the approved details.**

Reason: In the interest of visual amenities, highway safety and amenities of local residents.

- 8 - Notwithstanding any details to the contrary on the application details, the depth of the stone surface shall not exceed 150mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of highway safety and amenities of the area.

- 9 - None of the waste material associated with the approved works shall be disposed of on the application site or land within the applicant's control unless specific planning permission has been granted.

Reason: To prevent pollution of the environment and to safeguard amenities and character of the area.

**Informative(s):**

- 1. N15 - Reason(s) for the Grant of PP.  
Landscape Policy 7 - Agricultural and Forestry Buildings and Roads
- 2. A suitable temporary alternative bridleway route should be provided (in consultation with the PROW area warden) during the development works. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from this department, preferably 6 weeks in advance of work starting.
- 3 - The right of way should remain at its historic width on completion of the works.
- 4 - The applicants should ensure that they hold lawful authority to drive over the registered right of way.
- 5 - Any culverting or damming of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Watercourse Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



OCLE PYCHARD GROUP PARISH COUNCIL

Parish Clerk

The Old School House  
 Burley Gate  
 HEREFORD  
 Herefordshire  
 HR1 3QR

26th January 2004

Dear Sirs,

**Planning Application DCNC2003/3755/F  
 Tack Farm, Ullingswick**

The Ocle Pychard Group Parish Council Meeting of the 20<sup>th</sup> of January, combined with that of Much Cowarne Group, was the best attended for several years and was addressed by a number of residents of Ullingswick. All were against the above application. Quite apart from those Villagers who spoke in person, Councillors received additional letters, telephone calls and personal representations along the same lines. It would be fair to say that the majority of the people of Ullingswick are against the planned upgrade of the access track to a stone surface.

The letters received to date are enclosed for your information. Some have already been sent to you directly, but I would ask you to consider the comments made in them.

Dealing specifically with the track itself, the main objections were as follows:

- a) The proposed upgrade is over and above the standard required and there is a query as to how the expense can be justified. A good part of the 'grass/mud track' is a bridle path, first and foremost, and should be retained for this purpose. If access from the main farm buildings to the surrounding fields is required, then it is felt that a tractor or similar vehicle would do the job quite adequately. The Oxford English Dictionary defines a bridle path as a 'rough path or road, fit only for riders or walkers, not vehicles'.

The applicant states that the Rights-of-Way Officer wishes to see the path upgraded, but Mr Thompson has said in a letter that the condition of this path is no worse than others in the area at this time of the year. It is believed that the applicant is making selective use of parts of that letter. If ever the path does happen to be in poor condition, it is because of excessive use by vehicles. If used for its original purpose it would be fine.

- b) It is noted that jumps have been installed alongside the bridle path, on part of Tack Farm, and that horses negotiating them would land on the path itself. Access to the path by walkers should be free and uninterrupted.
- c) Despite the statement by the applicant, residents regard the bridle path as being in good condition. They believe that grass is a perfectly acceptable surface and do not believe that an upgrade is necessary.
- d) An upgraded path would lead to worse drainage problems as a stone surface would impede the run-off of surface water. It is understood that a water tank on Tack Farm, used for feeding the horses, often overflows and is itself a cause of muddy conditions along the bridle path.

There are other factors which, although not directly concerned with the path itself, should be considered when dealing with the application.

- e) "Access to the show field needs to be improved in order for Tack Farm to be taken seriously as a show venue". This would suggest that, rather than making 'changes crucial to the operation of the Farm', the upgraded path is intended primarily as an entry point for 'trade stands, caterers and ambulances'. The farm already has a main entrance that can be used by such vehicles.

Tel: 01432-820074.

E-mail: "parish clerk"&lt;ocle\_pychard\_group\_pc@yahoo.co.uk&gt;

- f) One of the main objections by residents concerns the increase in traffic that could result from improved access following the upgrade of the Bridle Path. The condition of the roads in Ullingswick has been the subject of concern for some years, and it is felt that they are not designed for use by a large number of cars, heavy vehicles and horseboxes. The main roads through the village are certainly not wide enough for two-way traffic of this kind. Parking facilities at Tack Farm are such that vehicles are often left parked at the side of the road after drivers have failed to find a space off-road.
- g) Tack Farm has developed far beyond what was expected by Villagers when planning permission was first granted. Residents report unacceptable pollution caused by noise, floodlights and excessive traffic on days when functions are being held. It is believed that, in line with the first sentence of paragraph (e), the intention is to transform Tack Farm into a National or International eventing showground. Complainants object to any further developments, such as the upgraded path, that will assist in this transformation.

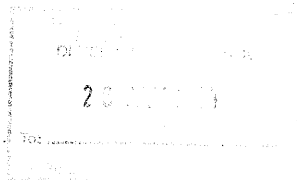
On behalf of the clear majority of the people of Ullingswick, the Parish Council seriously objects to this proposal and would ask for it to be refused.

Yours sincerely,

M. R. Field

M R Field

County of Herefordshire District Council  
Northern Planning Services  
PO Box 230  
Blueschool House  
Blueschool Street  
HEREFORD  
HR1 2ZB



Tel: 01432-820074.

E-mail: "parish clerk"<ocle\_pychard\_group\_pc@yahoo.co.uk>



**Response by Much Cowarne Group Parish Council to application DCNC2003/3755/F**

The Much Cowarne Group Parish Council has consulted the parishioners who live near Tack Farm and there is unanimous opposition to the conversion of 485m of bridleway (MJ1) to a road capable of carrying heavy motor vehicles. Such a development would enable and encourage use of the bridleway for motor vehicles, which would be detrimental to its utility for walkers and riders and would increase the nuisance and possibly increase the risks of accidents. It would also destroy the natural surface, which is currently highly suitable for access by walkers and riders and has the benefit of wild flowers. Furthermore the Parish Council considers that the conditions applied to Tack Farm in its operation as a stables, livery yard and saddlery are currently being contravened in several respects. Until the alleged contravention has been resolved it is believed that Hereford Council would be acting irresponsibly were it to consider this latest application.

Additional points regarding the application

Point 10 "access"

Application claims "no alteration"

Converting the bridleway to a road will in effect alter the access to the village lane near to Tidmore Cottage. The resulting road will undoubtedly raise the level of traffic entering and or exiting at this road access. The highways department should be consulted and the ownership and rights concerning the existing road access by Tidmore Cottage requires research before consent is given.

Point 11 "Public Right of Way"

Application claims "no alteration"

This claim is incorrect – as you can see from above the road building will severely affect the bridleway.

Point 12 "waste"

Application claims all soil and clay waste will be disposed of. A gross calculation leads to an estimate of 900 cubic meters (approximately 80 lorry loads of waste). Details are needed regarding the disposal of this waste.

Supporting Letter

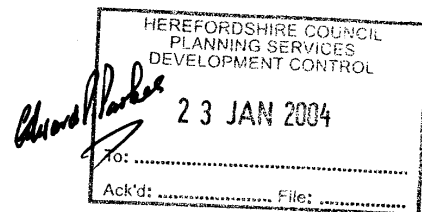
In Mrs Kawczynski's supporting letter she refers to complaints from the public regarding the condition of the bridleway. The local residents confirm that there were complaints made last winter and the poor condition of the bridleway was entirely due to Tack Farm contractors erecting paddock fencing along the whole length of the bridleway. Insufficient care had been taken of the bridleway. It is evident that motor vehicle access to the bridleway has been limited this winter and the condition is good for the time of year. In Mrs Kawczynski's supporting letter she speaks of the condition of the tracks last winter being so bad that her Land Rover almost tipped over on several occasions. This is very hard to believe as the gradients on the tracks are not particularly steep.

Please provide this Parish Council with copies of the supporting documents submitted by Tack Farm owners.

Viz:

- Letters of support
- Letter from DEFRA
- Letter from Alison Dawes
- Letter from the Rights of Way Officer

End of comments. E P Parkes (Clerk), 21.01.2004.





**2 DCNC2003/3805/F - REFURBISHMENT & EXTENSION TO EXISTING CONVENIENCE STORE AT HATTON PARK STORES, HATTON PARK, BROMYARD, HEREFORDSHIRE****For: Mr M Cockayne per Amber Project Management Ltd, c/o 27 High Street, Bromyard HR7 4AA****Date Received:****19th December 2003****Ward:****Bromyard****Grid Ref:****64658, 54343****Expiry Date:****13th February 2004**

Local Member: Councillors P Dauncey and B Hunt

**Introduction**

This application was deferred at the Northern Area Planning Sub-Committee on 25 February 2004 in order for a site visit to be carried out. The site visit took place on 9 March 2004.

**1. Site Description and Proposal**

1.1 Hatton Park Stores is located on the south side of the A44, almost opposite Panniers Lane, Old Road, and A44 crossroads. Hatton Park, a private road, runs along the eastern side of the shop. The shop is also occupied by a Chiropractor and hairdressing salon. There is vehicle parking to the front of the shop, and storage area along the western boundary of the site. The site is located in a residential area, and within the town boundary of Bromyard as shown on Inset Map No. 13.0, Bromyard in the Malvern Hills District Local Plan.

1.2 The application proposes the refurbishment and extension of the stores; replacing the storage area on the western side to provide additional retail space, replacing the hairdressing salon with a cold room and toilets, and a single storey store to the rear of the former hairdressing salon, which is to be used by the applicant for domestic storage purposes.

**2. Policies**

2.1 PPG1 Planning Policy and Principles  
PPG6: Town centres and retail development

**2.2 Malvern Hills District Local Plan**

Shopping Policy 7: Retail development outside the principal shopping and commercial areas

Shopping Policy 9: Local shopping provision

**2.3 Herefordshire Unitary Development Plan (Deposit Draft)**

TCR2 – Vitality and viability

TCR13 – Local and neighbourhood shopping centres

### 3. Planning History

MH91/1459 - Single storey extension to enlarge hairdressing salon. Approved 10 December 1991.

MH93/0583 - Extensions. Approved 3 August 1993.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None.

#### Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Environmental Health: "No comment."

### 5. Representations

5.1 Bromyard and Winslow Town Council: 'Council agreed unanimously to object to this application on the grounds that the site of the extension of the store room is accessed only by a private cul-de-sac and the proposed extension and refurbishment would cause increased obstruction and parking in Hatton Park Road and loss of parking already available for the Stores.'

5.2 The Town Council has also forwarded letters of objection from:

Mrs T Preece, 10 Hatton Park, Bromyard  
L R Edwards, Lyndhurst, 1 Hatton Park, Bromyard  
W Wood, 4 Hatton Park, Bromyard  
D L Davies, Ashfield Croft, 19 Hatton Park, Bromyard

- a) The extension will be on to a very limited area which will inevitably mean a loss of car parking.
- b) The extension will be close to Hatton Park.
- c) The extension will be an infringement on my privacy and goods delivery will be a noise nuisance.
- d) Hatton Park is a private road and is regularly used for parking by customers to the shop.

5.3 A petition, strongly opposing this application for the above reasons, from the residents of Hatton Park with signatures has also been received.

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 Small local shops form an important role in meeting local shopping needs and it is the objective of shopping policies to ensure that the availability of shopping opportunities for all members of the community exist.

- 6.2 This application proposes the refurbishment of a local shop, increasing the retail floor space by some 71m<sup>2</sup>. The increase in size of the shop will safeguard this local shopping provision and reduce the need to travel by car to other shopping centres. However, it is acknowledged that increasing the size of the retail area will attract more passing trade by those travelling the adjoining A44. In terms of parking, the Head of Transportation has raised no objection to the application but in doing so has justified his comments by saying that "Herefordshire Council standards indicate that there should be 13 spaces for the extended store gross floor area. The applicant proposes 11. In view of the standards now being seen as maximum, and current policy regarding the promotion of sustainable modes by the restriction of parking provision, this level of parking is considered to be acceptable."
- 6.3 A further contributory factor to parking problems, as highlighted by the Town Council and the 4 letters from neighbours, is caused by the applicant's practice of displaying bulky goods, plant pots, garden ornaments etc. on the car park. Inevitably, this reduces the amount of space for customers and delivery vehicles to park. This in turn leads to vehicles parking in Hatton Park, which is a private road and not a public highway, causing nuisance to the residents of Hatton Park. Given the problem of parking in this area, it is recommended that a condition restricting the car park be used for this purpose only, without any outside storage including the display of items for sale.-
- 6.4 In terms of visual appearance, the alterations are considered acceptable so as not to cause any demonstrable harm to the local environment.

## 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 ) (23 January 2004)**

**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 - H15 (Turning and parking: change of use - commercial ) (11 cars)**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.**

**5 - There shall be no open storage/display of goods for sale.**

**Reason: In the interests of highway safety.**

**Informative:**

**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC  
Malvern Hills District Local Plan  
Shopping Policies 7 and 9**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**3 DCNC2003/3817/F - CONSTRUCTION OF TWO DETACHED COTTAGES AT PLOT 4, LAND TO THE REAR OF THE BALANCE INN, LUSTON, LEOMINSTER. HR6 OBE****For: Mr S Bengree per Mr N La Barre 38 South Street  
Leominster Herefordshire HR6 8JG****Date Received:  
4th September 2003****Ward:  
Upton****Grid Ref:  
48681, 63149****Expiry Date:  
30th October 2003**

Local Member: Councillor J Stone

**Introduction**

This application was deferred at the last meeting of the Northern Area Planning Sub-Committee on 25 February 2004 in order for a site visit to be carried. The site visit took place on 9 March 2004.

**1. Site Description and Proposal**

- 1.1 The site is located to the north-west of Oaklands and Novem House, two newly constructed dwellings, and to the rear of The Balance Inn. The site is located in the settlement boundary of Luston and within the Luston Conservation Area. Access to the dwellings will be off the access road to The Balance Inn and Oaklands.
- 1.2 This is a full application that proposes two detached 3-bedroomed dwellings each with single garages. Each house has a ground floor area of 52 square metres. The garages are 15 square metres in area. Plot has an approximate site area of 215 square metres and Plot B is some 152 square metres.

**2. Policies**

- 2.1 PPG1 General Policy and Principles  
PPG3 Housing  
PPG15: Planning and the Historic Environment

**2.2 Leominster District Local Plan (Herefordshire)**

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A21 – Development within Conservation Areas
- 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)

HBA6 – New development within Conservation Areas  
DR1 – Design  
S3 – Housing  
H4 – Main villages: Settlement Boundaries

### 3. Planning History

91 453 - Four houses with garages. Approved 18.9.91.  
NC2002/1155/F - Two dwellings. Approved 12.6.02.  
NC2003/2690/F – Two detached dwellings. Withdrawn.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None

#### Internal Council Advice

4.2 Head of Engineering and Transport: No objection

4.3 Head of Conservation: No objection subject to conditions.

### 5. Representations

5.1 Luston Parish Council: 'The majority of the members object to this proposal. Land has been purchased from the neighbouring 'Laburnum House' to extend the plot. The view from the members is that this is backland development and will not enhance the village that is linear in characteristic. There is concern that the site is being over developed. Access to the plot is very restricted with very little splay onto the main road.'

5.2 Letters of objection received from:

B Bett, The Red House and the Old Post Office, Luston  
Mrs E Jones, Laburnum House, Luston  
S & H Hayday, Tudor House, Luston

The main points raised:

- a) It will impact on my privacy and daylight.
- b) The previous application for 5 houses on this site was refused.
- c) Access is unsuitable to serve the Balance Inn and this application.
- d) It will affect a site of archaeological interest.

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 This site is located in the settlement of Luston, as shown on Inset Map No. 6 in the Leominster District Local Plan where small-scale development will be permitted subject to criteria listed under Policy A1, scale and impact of the development on the character of the area and safe access.
- 6.2 Planning permission has been granted for a dwelling on this site as part of planning permission NC2002/1155/F, which was for 2 houses to be built on, plots 3 and 4. This application is for two houses to be built on plot 4.
- 6.3 The planning permission granted under NC2002/1155/F established the principle of development on this site. Therefore, the determining factors in this application are the impact these two houses would have on the character of the area, amenity and traffic implications.
- 6.4 The site is located in the Luston Conservation where special attention to the desirability of preserving or enhancing the characteristics of the area must be given. In this respect, the Chief Conservation Officer considers that normally there would be some resistance to this amorphous type of development in a Conservation Area – there is nothing here that acknowledges the character of Luston – but given the fact that the site is surrounded by similar development and is partly hidden from the road, there can be no objection. The siting of the dwellings achieves adequate separation distance from neighbours to protect levels of privacy and overlooking.
- 6.5 Access to the site is off a narrow unmade private road, which also provides access to the Balance Inn, Oaklands, Novem House and The Red House. While this application is to amend a previously approved scheme which proposed one house on this plot to two, it will have highway implications in that the number of dwellings off this private road will increase to six, including the outstanding planning permission on plot 3, seven if you include the residential element at the pub. However, the Transportation Manager comments that whilst it would be advantageous to restrict private drives to five dwellings only, it is not in itself a valid reason to oppose this application.
- 6.6 Accordingly, the proposal is considered to be acceptable in terms of policy contained in the Leominster District Local Plan and in the interests of highway safety.

## 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 - A12 (Implementation of one permission only ) (NC2002/1155/F) (12 June 2002)**

**Reason: To prevent over development of the site.**

4 - F48 (slab levels)

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

Informative:

1. N15 (Reasons for granting pp)  
Leominster District Local Plan (Herefordshire)  
A1 - Managing the District's Assets and Resources  
A2 - Settlement Hierarchy  
A21 - Development within Conservation Areas  
A24 - Scale and Character of Development  
A54 - Protection of Residential Amenity  
A55 - Design and Layout of Housing Development

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**4 DCNC2004/0321/F - CONSTRUCTION OF AMENITY BUILDING, TOILET BUILDINGS AND SITEWORKS FOR 300 UNIT CARAVAN STANDING FOR FARMWORKERS ACCOMMODATION AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU**

**For: S & A Property Ltd per McConaghy BGP Architects 2 Shrubbery Avenue Worcester WR1 1QH**

**Date Received:**  
**9th February 2004**

**Ward:**  
**Leominster South**

**Grid Ref:**  
**48709, 56068**

**Expiry Date:**  
**5th April 2004**

Local Member: Councillors R Burke and J P Thomas

**Introduction**

It is too early in the life of this application to present a full report for committee attention. However, this is a major application which raises a series of important planning issues. It is considered that the scale of the development is such that the determination of these issues would benefit from Members having first hand knowledge of the site in advance. Consequently, it is strongly recommended that the site viewing sub-committee visit the site during its next round of visits in April.

It is anticipated that your officers will be in a position to present a full report to the Northern Area Planning Sub-Committee at its meeting on 21 April.

**RECOMMENDATION**

**That a site inspection be held on the following grounds:**

- **The character or appearance of the development itself is a fundamental planning consideration;**
- **A judgement is required on visual impact;**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

Decision: .....

Notes: .....

.....

**5 DCNC2003/1895/N - PILOT PLANT AND ASSOCIATED BUILDINGS FOR ACCELERATED COMPOSTING OF ORGANIC MATERIAL FOR 5 YEARS AT WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX****For: Bioganix Ltd at the same address****Date Received:****1st July 2003****Ward:****Leominster South****Grid Ref:****51022, 55925****Expiry Date:****26th August 2003**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The application site is at Wharton Court, about 3.1 Km south of the centre of Leominster immediately off the A49(T). Wharton Court is a Grade II\* Listed Building dating principally from the 17th century. Two barns close to the Court are themselves separately and specifically listed as 16th century and combined 17th and 18 century respectively. The nearest houses are at Wharton Court (about 35m to the south-east), Stone Farm (350m to the west) and around Wharton Bank (13 houses 250 - 400m to the south-west).
- 1.2 The River Lugg SSSI/cSAC is about 250m to the east of the site.
- 1.3 The application site itself is irregularly shaped about 80m x 90m along the longest dimensions.
- 1.4 The proposal is retrospective and is for the retention of a Pilot plant for the accelerated composting of organic material for 5 years. The applicant operates a novel in-vessel feather composting business. The operation is carried out on a Pilot scale to determine the efficacy of the process for degrading feather in accordance with the requirements of the Animal Byproducts Order. The site has been operational since February 2002. During this time a number of odour complaints have been made. The application has been submitted as a result of an investigation by the Council's Enforcement Officer and amended as a result of inspections by the Council's Environmental Health Officer. The operator has made a number of alterations to the process to meet these. Permission is now sought for the retention of use of new and altered buildings, the process equipment, external abatement facilities and an external bio filter until 1 July 2008.
- 1.5 The process itself uses a loading shovel and mixing vessel to mix poultry and stable manure (20%), poultry (feather) waste (61%), separated kitchen waste (8%), paper (5%) and green waste (5%) within an enclosed building. These materials are mixed and fed into a processing vessel circa 20m long x circa 4m in diameter, rotating under heat, at 4 revolutions per hour. Treated compost is then screened and dried before being loaded into bulk trailers for delivery to farms where it is used as a composting material. Loading and processing take place within a corrugated iron building under negative air pressure. External equipment consists of 3 air scrubber towers, to clean

exhaust air of dust, particles and odours, a series of chemical treatment tanks and a large external bio filter from which treated air discharges to atmosphere.

## 2. Policies

Policies will be included in the future report.

## 3. Planning History

Lengthy, will be included in the future report.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 The following organisations have been consulted, responses will be summarised in the future report:

English Nature  
Environment Agency  
English Heritage  
Water Authority  
Highways Agency  
Network Rail  
Hereford Nature Trust  
DEFRA  
River Lugg Internal Drainage Board

### Internal Council Advice

- 4.2 Internal consultations are also being undertaken with:

Highway Engineers  
County Ecologist  
Historic Buildings Officer  
County Landscape Officer  
Environmental Health Officer

Responses will be summarised in the future report.

- 4.3 The application was advertised in the Press and on site and 30 neighbour notification letters have also been sent out.

## 5. Representations

- 5.1 At the time of writing 16 letters of objection, including a petition of 7 names, and representations from Humber, Ford and Stoke Prior Group Parish Council and Leominster Town Council have also been received.

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

**6. Officers Appraisal**

- 6.1 At the time of writing a number of matters are still outstanding. This is therefore only a preliminary report. Officers hope to be able to bring a further report for determination to the meeting of the Sub-Committee on 21 April 2004. The scale and character of the proposal, the proximity of listed buildings and of the River Lugg SSSI and of the public interest in it are such that officers consider that Members would find it useful to inspect the site and its surroundings before determining the application.
  
- 6.2 Members should also be aware that another application for retrospective planning permission for the continuation of use of an agricultural yard as a waste transfer station for demolition and excavation materials (ref. NC2003/0753/N) is also outstanding and adjoins this application site. The different sites and differences between them will be made clear at the site inspection.

**RECOMMENDATION**

**That members hold a formal site inspection to consider the possible effects of the proposal on the character and appearance of the area.**

Decision: .....

Notes: .....

.....





**6 DCNE2003/3714/F - RETENTION OF TIMBER FRAMED BUILDING AND CONTINUED USE OF THE BUILDING FOR FURNITURE SALES AND STORAGE AT FOLEY HOUSE, 39 BYE STREET, LEDBURY, HEREFORDSHIRE, HR8 2AA**

**For: Kevin Neil & Terry Jenkins at same address**

**Date Received:**  
10th December 2003

**Ward:**  
Ledbury

**Grid Ref:**  
70963, 37710

**Expiry Date:**  
4th February 2004

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

## **1. Site Description and Proposal**

- 1.1 The property is located to the north of the Bye Street with vehicular access being gained off Lawnside Road. The existing property is occupied residentially by the applicants and is also used as a guesthouse. To the north are residential properties, east is a funeral directors and west is an osteopath/private dwelling. The application is retrospective following investigation by the Enforcement Officer and is for the retention of a timber framed building and its continued use for the storage and sales of furniture and other domestic items. A twelve-month temporary permission is requested.
- 1.2 The site lies just outside the principal shopping and commercial area identified in the Ledbury Inset Map. It lies just within the Ledbury Conservation Area. Foley House is a Grade II Listed Building.

## **2. Policies**

### **Malvern Hills District Local Plan**

Employment Policy 14 - Home-Based Businesses

Shopping Policy 7 - Retail Development Outside The Principal Shopping and Commercial Areas

Conservation Policy 2 - New Development in Conservation Areas

Conservation Policy 11 – The Setting of Listed Buildings

Planning Policy Guidance Note 4 – Industrial and Commercial Development and Small Firms

Planning Policy Guidance Note 18 – Enforcing Planning Control

### **Herefordshire Unitary Development Plan (Deposit Draft)**

E9 – Home Based Businesses

HBA 4 – Setting of Listed Buildings

HBA6 – Development within Conservation Areas

### 3. Planning History

NE2003/2365/F – Retention of timber framed building and continued use of the building for furniture sales and storage. Refused 8<sup>th</sup> October 2003 for the following reason:

‘The business use causes unacceptable disruption to the amenity of occupants of adjacent residences. As such the business use is contrary to Policy CTC.9 of the Hereford and Worcester County Structure Plan, Employment Policy 14 and Shopping Policy 7 of the Malvern Hills District Local Plan and advice contained within PPG4.

The use of the remainder of the domestic curtilage for the storage, display and sale of furniture and other domestic items neither preserves or enhances the character and appearance of the Conservation Area or the setting of the listed house known as Foley House. As such the development is also contrary to policies CTC.7 and CTC.15 of the Hereford and Worcester County Structure Plan, Conservation Policy 2 and 11 of the Malvern Hills District Local Plan and advice contained within PPG 15.’

NE2001/1792/F – Change of use of domestic garden to refreshments garden, Foley House. Permitted 3<sup>rd</sup> September 2001. Subsequent appeal allowed retention of ‘rustic arch’.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required.

#### Internal Council Advice

4.2 Head of Transport and Engineering has no objection.

4.3 Chief Conservation Officer – minor concern regarding retention of the large modern shed in terms of its proximity to the rear of Foley House. Of greater concern is the detrimental impact that the use of the building and yard has on both the setting and the Listed Building and Conservation Area.

### 5. Representations

5.1 Ledbury Town Council comment as follows:

‘Members reiterate their comments from the previous application: The loss of off road parking has created traffic problems with large vehicles taking up residential on-street parking spaces which cause obstructions to pedestrians. Business is being conducted in a residential area. The associated noise from continued vehicular movements and barking dogs results in the loss of amenity to the neighbouring properties.

Members feel that the application should be retrospective, as business has been conducted on this site for some considerable time. They also wonder whether there should be a change of use.

There appears to be several adjustments which have been made to the stone buildings and it is hoped that any alterations have been approved by the Conservation Office.

In addition members wonder why the same application has come before them again without any apparent enforcement action having taken place.'

- 5.2 Elgar Housing Association is concerned that noise and vehicular usage will increase disturbing their tenants, and considers the shed to be unsightly.
- 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 Whilst not lying within the principal commercial area of the town as defined in the Ledbury Town Inset Map it is immediately adjacent. Furthermore it is in an area of mixed commercial, municipal and residential uses.
- 6.2 Employment Policy 14 and Shopping Policy 7 generally seek to protect the amenities of nearby residents. In this instance these include nos. 1 – 4 Masefield Close and 41 Bye Street. These properties immediately adjoin the site and are potentially affected by traffic movements within the site, and by the impact upon the visual amenity.
- 6.3 Conservation Policies 2 and 11 seek to protect the character of the Conservation Area and setting of the Listed Building. In this instance it is considered that the impact of the timber building, behind the large funeral directors building has little impact. The use of the yard for external storage has a much greater impact, and indeed formed the basis of the second reason for refusal on the previous application.
- 6.4 Having regard to the advice contained within Planning Policy Guidance Notes 4 and 18 and the fact that there is an extant permission for use of the site as a tea garden it is considered that the request for a 12-month trial period to assess the impact upon the amenity of nearby residents is wholly reasonable.
- 6.5 The impact upon amenity of the outside storage is however rather more obvious and perhaps in recognition of such has not been applied for on this occasion. It would also appear that the amount of storage taking place within the yard has been reduced. It would be prudent however to add a condition to any time limited permission to prevent outside storage. This would leave some room for customer parking if required.

## **RECOMMENDATION**

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

### **1 - E20 (Temporary permission )(25 March 2005)**

**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 - E06 (Restriction on Use )(delete premises insert building)(for sale of furniture only)

Reason: The local planning authority wish to control the specific use of the building in the interest of local amenity.

- 3 - E03 (Restriction on hours of opening )(9am – 6pm)

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

- 4 - Within 3 months of the date of this permission all outside storage shall have ceased and the items shall have been removed either to within the building or from the site.

Reason: In the interests of visual amenity and to protect the character and setting of the listed building and Conservation Area.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**7 DCNE2004/0323/F - USE OF LAND FOR STORAGE OF EQUIPMENT AND MATERIALS IN ASSOCIATION WITH THE APPLICANTS LANDSCAPE BUSINESS. REMAINDER OF THE LAND, CHANGE OF USE FROM AGRICULTURAL TO DOMESTIC CURTILAGE AND RETENTION OF DEWPOUND AT THE OLD BAKEHOUSE, PARKWAY, LEDBURY, HEREFORDSHIRE, HR8 2JG**

**For: Mr & Mrs R Higgins per Mr V C Arnold Mount  
Ottawa Upleadon Newent GLOS GL18 1HN**

**Date Received:**  
29th January 2004

**Ward:**  
Ledbury

**Grid Ref:**  
71895, 35753

**Expiry Date:**  
25th March 2004

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

## **1. Site Description and Proposal**

- 1.1 The Old Bakehouse is located on the western side of the A417 Ledbury to Gloucester Road at Parkway between Hilltop and The Pitch.
- 1.2 Planning permission is sought to continue the use of the land for the storage of equipment and materials in association with the applicants landscape business and to change the use of the remainder of the land from agricultural to domestic curtilage.
- 1.3 The application has been submitted following investigations by the Council's Enforcement Team.
- 1.4 The Dewpond, which has been created and originally formed part of this application, has been removed from the planning application.

## **2. Policies**

Planning Policy Guidance Note 7 – The Countryside Environmental Quality and Economic and Social Development

### **Hereford and Worcester County Structure Plan**

CTC2 - Areas of Great Landscape Value

CTC9 - Development Requirements

A01 - Development of Agricultural Land

### **Malvern Hills District Local Plan**

Landscape Policy 5 - The Conservation of Agricultural Land to Domestic Garden

Landscape Policy 6 - Small Scale Development Associated with Domestic Gardens

Employment Policy 14 - Home Based Businesses

**Herefordshire Unitary Development Plan (Deposit Draft)**

E9 – Home Based Industries

E11 – Employment in the Countryside

**3. Planning History**

MH88/2467 – Erection of a bungalow – Refused 17 October 1988 – Appeal dismissed 22 March 1989

MH88/2763 – Erection of a house – Refused 21 November 1988

**4. Consultation Summary**Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Engineering and Transportation raises no objections.

4.3 Chief Conservation Officer confirms that there are no objections on landscape or ecological grounds.

**5. Representations**

5.1 Ledbury Town Council recommend approval provided hours of work do not inconvenience neighbouring properties.

5.2 The Area of Outstanding Natural Beauty Planning Group raise no objection.

5.3 The Campaign to Protect Rural England comment as follows:

We see no objection to what is proposed provided the area to be used for storage is adequately screened to avoid a visual nuisance, and the land to be converted to domestic use is marked off by a boundary hedge or fence. We ask the Council to lay down conditions along those lines in any grant of approval.'

5.4 Two letters of objection have been received from:

Roger Parker, Hilltop, Parkway, Ledbury  
Masefield Solicitors acting for 4 The Pitch , Parkway, Ledbury and Masefield Cottage,  
Ledbury

The main planning points raised are:

- a) The site is in an Area of Outstanding Natural Beauty.
- b) The applicants have two flatbed trucks, land rover, jeep and a boat therefore the proposal is in fact for a yard for light industrial vehicles on site from time to time.
- c) Heavy goods vehicles deliver to the site and then the applicant and his staff take materials away to the sites where they work. These deliveries and the materials leftover detract from the natural beauty of the area.

- d) Parkway is a well known accident black spot where these vehicle movements would be a traffic hazard.
- e) Views have been impacted upon by the construction of the pond with high banks being created around the pond over what previously was open land.
- f) Concerns are raised over potential flooding from the pond.
- g) The development will impact upon the neighbourhood which apart from the filling station is essentially residential.

The applicants have submitted the following information:

- a) Business use, the applicant is a landscape gardener, stores his tools in a secure metal container, and parks his trailer, mini digger and motorised wheel barrow within the area indicated.
  - b) Occasionally, stone and paving slabs left over from a job are stored at the site until used on the next job. There are no deliveries or materials to the application site, all go direct to the work site.
  - c) There is no employee parking, the applicant and his workmen meet at the work site, and the applicant parks his truck within the residential area.
  - d) Residential Use, the original residential area is very restrictive, and with a garage with its turning area already on site leaves little room for garden or extension.
  - e) It can be seen from the site plan, that the proposed area follows the natural line from Mayfield Cottage to The Forge House curtilages, and the proposed area for change of use is too small to be used for agricultural purposes.
  - f) As the applicant is a landscape gardener, I am sure the resultant garden will complement the locality, and a landscaping scheme will be produced if you so wish.
- 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 site lies on the western side of the A417 Gloucester Road at Parkway, Ledbury.
- 6.2 The proposal is to extend the domestic curtilage into the adjoining paddock and for the applicant to use part of the land to store machinery and tools.
- 6.3 The extension of the domestic curtilage is considered acceptable and to comply with Landscape Policy 5 of the Malvern Hills District Local Plan. Its addition would not detract from the landscape quality of the area which is not designated as either an Area of Outstanding Natural Beauty or and Area of Great Landscape Value. The only aspect to address is the planting of a native hedge on the western boundary and this will be recommended as a condition.
- 6.4 Regarding the use of the part of the land for storage in association with the applicants landscape business this is relatively small and again subject to adequate screening is considered acceptable and complies with Employment Policy 14 of the Malvern Hills District Local Plan.
- 6.5 The local residents concerns relating to access are noted however, the Council's Head of Engineering confirms that following his site inspection there are no objections.

- 6.6 The main concern of the objectors has been the Dewpond formed by the applicant. This has been removed from the planning application as concerns have been raised to its acceptability. Further discussions with the applicants will continue to resolve this situation.

## **RECOMMENDATION**

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

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

**Reason: In order to protect the visual amenity of the application.**

- 2 - G01 (Details of boundary treatments )**

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

- 3 - Details of boundary treatments to the business storage area shall be submitted for approval within one month of the date of this permission and constructed within 2 months. The boundary treatment so approved shall be maintained thereafter.**

**Reason: In order to protect the visual amenity of the application.**

- 4 - No materials or equipment associated with the applicants landscape business shall be stored outside of the land identified on the approved scheme.**

**Reason: In order to protect the visual amenity of the application.**

- 5 - No materials or equipment associated with the landscape business shall be stored above a height of 2.5 metres above ground level unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In order to protect the visual amenity of the application.**

- 6 - H14 (Turning and parking: change of use - domestic)**

**Within one month of the date of this permission an area for the parking of vehicles shall be laid out, consolidated, surfaced and drained within the application site in accordance with the approved plans for vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.**

### **Informative:**

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



Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **8 DCNC2003/2699/F - CONSTRUCTION OF SIX NEW DWELLINGS AT FORMER ENGINEERING SITE, PINSLEY ROAD LEOMINSTER HEREFORDSHIRE**

**For: R.M Caldicott & Sons Ltd per Mr N La Barre 38 South Street Leominster Herefordshire HR6 8JG**

**Date Received:**  
5th September 2003

**Ward:**  
Leominster South

**Grid Ref:**  
50100, 59015

**Expiry Date:**  
31st October 2003

Local Members: Councillors R Burke and J P Thomas

### **1. Site Description and Proposal**

- 1.1 The site is located on the east side of Pinsley Road between the old Primrose Coach Depot and the entrance leading to Pinsley Mill. It is the site of the former Pinsley Engineering. The site is some 0.12 hectares in area. Pinsley Mill, a three storey high building is to the north and the railway line is further to the east. The boundary of the Leominster River Meadows Conservation Area runs along the eastern boundary of the site but does not itself lie within it. It is also in a flood plain.
- 1.2 To the rear of the site is a long narrow single storey building used as an indoor rifle range.
- 1.3 This is a full application for 6 semi-detached houses. It has been amended from an original application for 8 terraced houses. Each house will provide lounge, kitchen/dining room, utility, W.C and entrance hall on the ground floor with three bedrooms and a bathroom at first floor level. A car park for 12 vehicles is to be located behind the houses that will be accessed from a new entrance onto Pinsley Road.

### **2. Policies**

Planning Policy Guidance Note 1 – General Policy and Principles  
 Planning Policy Guidance Note 3 – Housing  
 Planning Policy Guidance Note 13 – Transportation  
 Planning Policy Guidance Note 15 – Planning and the Historic Environment  
 Planning Policy Guidance Note 25 – Development and Flood Risk

#### **Leominster District Local Plan**

Policy A1 - Managing the District's Assets and Resources  
 Policy A2 - Settlement Hierarchy  
 Policy A15 – Development and Watercourses  
 Policy A18 – Listed Buildings and their Settings  
 Policy A21 - Development within Conservation Areas  
 Policy A29 – Loss of Employment Sites Outside Industrial Estates  
 Policy A30 – Redevelopment of Employment Sites to Alternative Uses  
 Policy A54 - Protection of Residential Amenity  
 Policy A55 - Design and Layout of Housing Development  
 Policy A70 - Accommodating Traffic from Development

**Herefordshire Unitary Development Plan (Deposit Draft)**

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

H2 – Hereford and the Market Towns; Housing Land Allocations

H13 – Sustainable Residential Design

H15 – Density

H16 – Car Parking

HBA4 – The Setting of Listed Buildings

HBA6 – New Development within Conservation Areas

DR1 – Design

DR7 – Flood Risk

S1 – Sustainable Development

S3 - Housing

**3. Planning History**

None.

**4. Consultation Summary**Statutory Consultations

4.1 Environment Agency- No objection in principle subject to conditions.

4.2 Hyder/Welsh Water – no objections.

Internal Council Advice

4.3 Chief Conservation Officer – no objection in principle.

4.4 The Environmental Health Officer – no objection in principle.

4.5 Public Rights of Way Officer – no objections.

**5. Representations**

5.1 Leominster Town Council – comments on original plan as follows:

‘Recommend refusal as this is considered over development of this site. Council would be minded to make a favourable recommendation for less dwellings and increased parking space per dwelling. Council believe there is already significant roadside policy in that area and feels that this development would increase the problem.’

5.2 Leominster Town Council comment on amended plan – recommend approval.

5.3 Nine letters of objection were received to the original plans in that the proposal represented an over development of the site and the application would disrupt on-street parking in Pinsley Road

5.4 A letter of objection to the amended plan has been received from Dr A Rowanchild and Ms J M Preston, 129 Etnam Street, Leominster who comment as follows:

- a) Our greatest concern is the impact of the proposal on parking and access. Pinsley Road is access only.
- b) Pinsley Road is a narrow and continues in a tortuous fashion past a childrens play area to the town centre.
- c) The stretch fronting the site provides essential parking for 5 houses in Etnam Street that have no alternative available parking.
- d) Parking is particularly prevalent during the evening and at weekends.
- e) On-street parking reduces the width of the road.
- f) The proposal would significantly reduce the available on-street parking due to the position of the proposed access and inevitably increased amount for on-street parking.
- g) Although parking from the new houses is at the rear of the site and a courtyard of limited size manoeuvring would be difficult. As a result residents and visitors will use Pinsley Road adding to congestion.
- h) Access should be created by using the existing access point on land immediately to the north of the site.
- i) The proposal is still an over development.
- j) The site should be developed in conjunction with adjoining land owners to the north and south.
- k) The housing layout is cramped with poor amenity space for occupiers.
- l) The design of the houses is standard fare but does not lift the area.

5.5 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 site is the former Pinsley Engineering, now demolished, it is a brown-field site, located in a primarily residential area as shown on Inset Map no.1 Leominster in the Leominster District Local Plan. The Government in its Planning Policy Guidance Note 3 is committed to maximising the use of previously developed land for housing in order both to promote regeneration and minimise the amount of greenfield land to be taken for development. Given that the site has been in previous use, the EHO considers that the site may be contaminated and recommends that a contamination condition should be included in any permission that may be granted. In terms of principle the re-development of this site for residential purposes is considered acceptable in this location.

6.2 This application proposes 6 semi-detached houses it has been amended from the original scheme for 8 terraced houses. In terms of density, 6 houses are considered appropriate, meeting the lower end of density targets advocated in PPG3. It is considered that the proposal represents the efficient use of land. It is proposed to gain access the development off Pinsley Road. The access has been designed in co-operation with the Transportation Manager and takes into the account the on-street parking that takes place in this part of Pinsley Road. The Transportation Manager considers that the design of the entrance will allow vehicles to manoeuvre into and out of the site without being restricted by vehicles parked in Pinsley Road.

6.3 The site is close to the Leominster River Meadows Conservation Area. Although not within the Conservation Area the site is close enough to the Conservation Area to effect views into and out of the area. PPG15 considers this to be a situation where attention must be given to the desirability of preserving or enhancing the characteristics of the area. In terms of housing character, the area has a wide mix of

house styles ranging from Victorian dwelling through to modern terraced housing. The Chief Conservation Officer has commented that the site is in a derelict state shielded from the Conservation Area by existing buildings and railway line and given the mix of house styles has no objection in principle to the proposal. However, the car park will need to be landscaped and a wall or hedge should be erected along the rear boundary of this site.

- 6.4 It has been suggested that the site should be developed in conjunction with adjoining land, the former bus depot, which is on the corner of Pinsley Road and Etnam Street, and the former Mill site so as not to prejudice the comprehensive redevelopment of this wider area. Ideally that would be the case. However, officers do not accept this argument in that the layout of the proposal is such that the redevelopment of the adjoining land would be so prejudiced to the extent that a reason for refusal would be justified on those grounds.

## **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 )(14 January 2004)**

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

- 3 - B04 (Matching brickwork )**

**Reason: In the interests of visual amenity.**

- 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 - G02 (Landscaping scheme (housing development) )**

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

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

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

- 7 - No development shall be commenced until**

- a) A site investigation has been designed for the site using the information from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off site that may be affected, and
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.
- b) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.
- c) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

**Reason:** To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

- 8 - The development of the site should be carried out in accordance with the approved Method Statement.

**Reason:** To ensure that the development complies with the approved details in the interests of protection of the environment and harm to human health.

- 9 - If the development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

**Reason:** Reason: To ensure that the development complies with the approved details in the interests of protection of the environment and harm to human health.

- 10 - Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**Reason:** To protect the environment and prevent harm to human health by ensuring that the remediation site has been reclaimed to an appropriate standard.

- 11 - Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted their location must be approved in writing by the Local Planning Authority.**

**Reason:** To prevent pollution of controlled waters.

- 13 - No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage and regulation has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with the details approved by the Local Planning Authority prior to the construction of any impermeable surfaces draining into the system.**

**Reason:** To prevent the increased risk of flooding.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**9 DCNC2004/0101/F - CONSTRUCTION OF 3 NO. 2 BED COTTAGES AND 2 NO. 2 BED FLATS AT SITE AT JUNCTION OF PUMP STREET AND LITTLE HEREFORD STREET, BROMYARD, HEREFORDSHIRE**

**10 DCNC2004/0102/C – DEMOLITION OF WALLS AT SAME ADDRESS**

**For: Rocrest Limited per Linton Design Group 27 High Street Bromyard Herefordshire HR7 4AA**

**Date Received:**  
12th January 2004

**Ward:**  
Bromyard

**Grid Ref:**  
65433, 54592

**Expiry Date:**  
8th March 2004

Local Member: Councillors P Dauncey and B Hunt

## **1. Site Description and Proposal**

- 1.1 The application site is located in the Bromyard Conservation Area and within the principal shopping and commercial area of Bromyard as shown on Inset Map No 13.1 in the Malvern Hills District Local Plan. A listed building stands to the south, with its main elevation facing down Pump Street.
- 1.2 The site is currently vacant and is bounded to Pump Street and Little Hereford Street by a brick retaining wall. Adjoining the site to the north east along Little Hereford Street is a recent residential development for 8 apartments and 1 cottage on the site of the former social club.
- 1.3 The proposal is to demolish the existing boundary walls and erect three 2-bed cottages and two 2 - bed flats. The two storey units will stand hard on the back of the pavement and will have associated amenity, bin storage and cycle storage to the rear. There is no off street parking associated with the development.

## **2. Policies**

- 2.1 Planning Policy Guidance Note 3 Housing  
 Planning Policy Guidance Note 13 Transport  
 Planning Policy Guidance Note 15 Planning and the Historic Environment

### **2.2 Malvern Hills District Local Plan**

HOUSING POLICY 2 – DEVELOPMENT IN MAIN TOWNS  
 HOUSING POLICY 3 – SETTLEMENT BOUNDARIES  
 HOUSING POLICY 17 – RESIDENTIAL STANDARDS  
 SHOPPING POLICY 2 – PRINCIPAL SHOPPING AND COMMERCIAL AREAS  
 SHOPPING POLICY 3 – RESTRICTIONS ON DEVELOPMENT WITHIN PRINCIPAL SHOPPING AND COMMERCIAL AREAS

CONSERVATION POLICY 2 – NEW DEVELOPMENT IN CONSERVATION AREAS  
TRANSPORT POLICY 8 – CAR PARKING AND SERVICING REQUIREMENTS  
BROMYARD HOUSING POLICY 2  
BROMYARD SHOPPING POLICY 1  
BROMYARD CONSERVATION POLICY 2

### 2.3 Herefordshire Unitary Development Plan (Deposit Draft)

POLICY H1- SETTLEMENT BOUNDARIES AND ESTABLISHED RESIDENTIAL AREAS  
POLICY H13- SUSTAINABLE RESIDENTIAL DESIGN  
POLICY H14- RE-USING PREVIOUSLY DEVELOPED LAND AND BUILDINGS  
POLICY H15- DENSITY  
POLICY H16- CAR PARKING  
POLICY TCR1- CENTRAL SHOPPING AND COMMERCIAL AREAS  
POLICY TCR2- VITALITY AND VIABILITY  
POLICY HBA6- NEW DEVELOPMENT WITHIN CONSERVATION AREAS

## 3. Planning History

3.1 No relevant history on site.

## 4. Consultation Summary

### Statutory Consultations

4.1 Welsh Water: no objection subject to imposition of conditions regarding foul and surface water drainage.

### Internal Council Advice

4.3 Head of Engineering and Transport: No objection subject to the imposition of conditions.

4.4 Archaeology - The application site is a sensitive one archaeologically, being within the medieval core of Bromyard. The plot is comparatively undisturbed and is likely well preserved below ground archaeological deposits and features which may merit preservation. An archaeological investigation is therefore recommended.

## 5. Representations

5.1 Bromyard Town Council: object to this application on the grounds that it is an overdevelopment of this site, there is lack of access for emergency vehicles and no parking provision of these 5 dwellings.

5.2 Two letters of representation has been received in support of the application from:

Mr C J Grover, Nunwell House, 6 Pump Street, Bromyard  
Miss N M Oliver & Mr M A Jones, Flat 8, 6 Little Hereford Street

The main areas of concern are:

- Inappropriate over-development in a Conservation Area
- The increased density makes it undesirable for the town
- The development will be detrimental to the enjoyment of existing amenities of occupiers of adjacent properties
- Compromises the setting of a Grade ii Listed Building
- New development will dominate the much lower buildings of the Falcon Hotel and create an imbalance in the streetscene
- Numbers should be reduced to allow a courtyard with trees and parking
- Development without car parking spaces causes difficulties and dissatisfaction in small rural towns with very limited public transport facilities and as such is inappropriate
- The erection of these new dwellings will magnify the existing parking problem in the 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 Housing policy permits, in principle, residential development within the settlement boundaries. The site is also located within the principal shopping and commercial area where policy aims to maintain and enhance the attractiveness, vitality and viability of the town centre and encourage a mix of uses, including residential. The development of this vacant plot is unlikely to degrade the attractiveness of the town centre, and residential use in this central location should improve vitality.

6.2 The application makes no provision for vehicle parking, except for cycles. National policy comments in PPG3, that lower levels of off-street parking in such town centre locations should be allowed. Additionally, the accessibility of near-by public transport provision coupled with the provision of cycle parking in the development reflects Government emphasis on securing sustainable residential developments.

6.3 Particular care and attention has been given to the scale and design of the development to ensure its satisfactory integration within the streetscene and also in terms of its impact upon the setting of the adjacent listed building. The corner plot has been designed to ensure that views of the listed building are maintained.

6.4 In terms of site densities, the application maximises the use of vacant, previously developed land. The density of the scheme has been calculated to be slightly below the 30 dwellings per hectare as recommended in PPG 3. However, given the close proximity of adjacent development it is considered that the layout as submitted maintains the amenity and privacy between dwellings as required by adopted policy.

6.5 The site's central location allows access to employment and local services by modes of transport other than the car. The lack of car parking provision is acceptable under Policy H16, where there is no minimum level of provision of off-street parking. The location of the site, coupled with the availability of public transport in close proximity lends itself favourably to no parking provision.

6.6 Negotiations have taken place following receipt of the application to secure further design modifications in response to concerns raised. The layout of the units has been designed to ensure that only secondary windows are sited to the rear of the development and the height of the units has been reduced to minimise the overall

impact. Details of the internal 'courtyard' area are awaited together with amended drawings for the entrance doors off the adjacent highway. Subject to the receipt of satisfactory revised details the proposal is considered acceptable.

## RECOMMENDATION

### NC2004/0101/F

That subject to the receipt of satisfactorily amended drawings planning permission be granted subject to the following conditions:

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

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

**2 - A09 (Amended plans )**

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

**3 - No development shall take place on the site until details of the colour finish and materials of the proposed windows shall have been submitted to and agreed in writing by the Local Planning Authority. The proposed work shall thereafter be carried out in accordance with the approved details.**

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

**4 - H27 (Parking for site operatives ) (delete 'within the application site')**

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

**5 - Notwithstanding any details to the contrary on the approved drawings, no doors fronting onto Little Hereford Street or Pump Street shall have steps outside the building line.**

**Reason: In the interest of the safety of pedestrians using the adjacent footpath.**

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

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

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

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

**8 - None of the units hereby approved shall be occupied until the cycle provision and bin storage facilities have been provided on site and thereafter retained as approved.**

**Reason: To secure properly planned development.**

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

**Reason: [Special Reason].**

**10 - G01 (Details of boundary treatments )**

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

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

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

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

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

**13 - F17 (Scheme of foul drainage disposal )**

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

**14 - F16 (Restriction of hours during construction ) (substitute 8.00am for 7.00pm Monday to Friday, and 9.00am for 8.00am on Saturdays)**

**Reason: To protect the amenity of local residents.**

**15 - F41 (No burning of materials/substances during construction phase )**

**Reason: To safeguard residential amenity and prevent pollution.**

**16 - 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.**

**Informatives:**

- 1 - HN01 - Mud on highway**
- 2 - HN04 - Private apparatus within highway**
- 3 - HN05 - Works within the highway**
- 4 - HN07 - Section 278 Agreement**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - N15 - Reason(s) for the Grant of PP**

**NC2004/0102/C**

**That Conservation Area 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 - C14 (Signing of contract before demolition) (delete 'building', insert 'wall')**

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

**Informative:**

- 1. N15 (reasons for the grant of Conservation Area Consent)**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**11 DCNC2004/0280/O - PROPOSED SITE FOR ONE SINGLE STOREY DWELLING AT 85A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JH****For: Mrs G H Galvagni of Ongar Street Cottage, Ongar Street, Lingen, Craven Arms, SY7 0EE****Date Received:**  
26th January 2004**Ward:**  
Leominster South**Grid Ref:**  
49633, 58353**Expiry Date:**  
22nd March 2004

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The site is located to the rear of properties fronting onto South Street and has an existing private vehicular access. The site lies within the settlement boundary for Leominster and is currently occupied by a commercial timber-framed building and garage.
- 1.2 The proposal is for outline planning permission for one single-storey dwelling to replace the existing business and structures. All matters are reserved for subsequent determination.

**2. Policies**

2.1 PPG3: Housing

**2.2 Leominster District Local Plan (Herefordshire)**

A1 – Managing the district's assets and resources  
A2 – Settlement hierarchy  
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)**

DR1 – Design  
S3 – Housing  
H1 - Housing

**3. Planning History**

NC2003/3068/O - Site for 2 dwellings. Refused 11.12.03.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency: Comments awaited.
- 4.2 Welsh Water: As the applicant intends utilising private drainage facilities, no comment is made on the application.

##### Internal Council Advice

- 4.3 Head of Engineering and Transport: No objection.

#### 5. Representations

- 5.1 Leominster Town Council: 'Recommend approval, but express concern over the traffic use of the narrow access/egress, particularly the possibility of vehicles being forced to reverse out onto the main road.'

- 5.2 Letters of objection have been received from:

Mark Pugh, 85 South Street, Leominster  
Mr W J Morgan, Elm Lodge, 1 Hereford Road, Leominster  
Mr Fairbanks, 99 South Street, Leominster  
Mrs S M Baxter, 97 South Street, Leominster

The main points raised are:

- 1) The lane is narrow and likely to suffer damage during construction and upon completion.
  - 2) Dangerous to children playing in the lane, on their bicycles.
  - 3) Concerns over access point onto South Street.
  - 4) Increased risk of accident.
  - 5) There is no lighting at the rear of the property.
  - 6) Poor access for emergency vehicles.
  - 7) Backland development, will overlook 10 properties.
  - 8) Potential eyesore if any higher than existing bungalows.
  - 9) Ownership of access is queried.
- 5.3 In support of the proposal the applicant has submitted a supporting statement. This confirms that:
- properties fronting onto South Street have a right of access along the driveway
  - the site currently is occupied by a business unit of wooden construction, a brick garage and outbuildings



- the site has been used for the past 20 years for education purposes
- between 70 - 100 pupils plus parents used the driveway to pick up and drop off students
- the proposal is to demolish the existing buildings associated with the business and divide the plot between the adjacent bungalow and proposed new dwelling
- access along the driveway would lessen considerably
- the closest distance between the proposed dwelling and residences on South Street is approximately 33m
- it is unlikely that anyone would be overlooked

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 site is located within the settlement boundary for Leominster where residential development will be permitted subject to criteria listed under Policy A1, scale and impact of the development on the character of the area and safe access.
- 6.2 The proposed development will replace an existing business use, which generated a considerable level of vehicular activity and potential disturbance for neighbouring properties.
- 6.3 The new dwelling will represent a significant decrease in traffic movements and subject to a condition restricting the height and position of the proposed development, will not result in loss of amenities for adjoining properties.
- 6.4 It is not therefore considered that the proposal will result in any material harm and is in accordance with policies contained in the Leominster District Local Plan.

## **RECOMMENDATION**

**That planning permission be granted subject the following conditions:**

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

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

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

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

**3 - A04 (Approval of reserved matters )**

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

**4 - A05 (Plans and particulars of reserved matters )**

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

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

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

**6 - E13 (Restriction on height of building )**

**Reason: To safeguard the character and amenities of the locality.**

**7 - H26 (Access location )**

**Reason: In the interests of highway safety.**

**8 - H12 (Parking and turning - single house )**

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

**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 - F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**

**13 - F17 (Scheme of foul drainage disposal )**

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

**Informatives:**

**1 - HN01 - Mud on highway**

**2 - N15 - Reason(s) for the Grant of PP**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**12 DCNC2004/0293/F - SITING OF RESIDENTIAL GYPSY STATIC CARAVAN ACCOMMODATION WITH ASSOCIATED WORKS AT POOL HEAD ORCHARD, CHAPEL LANE, BODENHAM HR1 3HP**

**For: Mr Johns of the same address**

**Date Received:**  
27th January 2004

**Ward:**  
Hampton Court

**Grid Ref:**  
55420, 50531

**Expiry Date:**  
23rd March 2004

Local Member: Councillor K Grumbley

### **1. Site Description and Proposal**

- 1.1 The site is located on the north side of the C1114 in an area of open countryside for planning policy purposes, outside the settlement boundary for Bodenham.
- 1.2 The application seeks retrospective approval for the siting of a residential and touring caravan on what was an overgrown parcel of land. The proposal also includes an area for parking three vehicles, a formal garden area and the siting of a septic tank sewerage system.

### **2. Policies**

- 2.1 PPG3 - Housing, paragraph 13  
PPG12 - Development Plans, Paragraph 4.14  
DOE Circular 1/94 Gypsy sites and Planning  
DOE Circular 18/94 Gypsy sites Policy and Unauthorised Camping + Revisions of Advice on 'Tolerance' issued 26 July 2000  
Managing Unauthorised Camping – A Good Practice Guide – Feb 2004

#### **2.2 Leominster District Local Plan (Herefordshire)**

- A1 Managing the district's assets and resources  
A2 Settlement hierarchy  
A12 New Development and Landscape Schemes  
A59 Gypsy Caravan Sites

#### **2.3 Herefordshire Unitary Development Plan (Deposit Draft)**

- DR1 Design  
S3 Housing  
H7 Housing in the Countryside outside settlements  
H12 Gypsies and other travellers

### **3. Planning History**

NC2003/2317/F. Creation of new access. Approved 17.9.03.

NC2003/1552/F – Creation of new access onto Chapel Lane. Refused 30.6.03.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Environmental Services: No comment.

#### 5. Representations

5.1 Bodenham Parish Council: 'Strongly objects to the application. The site lies outside the village's established building limits. Many similar applications have been made in the past and all have been turned down. Councillors see no justifiable reason for this one to be treated any differently from anyone else.

Although it would seem that the unauthorised development that has already taken place complies with Local Development Plan policy A59 relating to Gypsy Caravan sites and Government planning guidance, notably Circular 1/94. However, the Parish Council notes that LDLP policy A58 makes clear that:

"residential mobile homes do not provide an acceptable residential environment on a permanent basis" and "the impact of mobile homes upon the high quality Herefordshire Environment is also an obstacle to their acceptability".

The Parish Council also notes:

Policy A1(2) designed to protect "open or undeveloped sites which contribute to the character, appearance and amenity of a settlement", and

Policy A1(3) designed to "protect from significant harm - the amenity which the occupiers of neighbouring properties should enjoy in accordance with Policies A27 and A54".

The Parish Council feels that the proposal would indeed have a seriously detrimental impact and that consent should be withheld in line with Local Plan Policies A1(2) and (3), A54 and A58. It is felt in particular that the force of these policies should outweigh the presumption in favour of the proposal contained in Policy A59.

It is understood that the applicant moved to this site from the house that was his former home in Hereford. The Parish Council take this as evidence that he no longer lives a nomadic life-style and that he is not entitled to be treated as a gypsy for the purposes of planning law.

The case of Wrexham County Borough v The National Assembly of Wales, heard at the Court of Appeal on June 19 2003, refers.'

5.2 Letters of representation have been received in support of the application from:

- Herefordshire Travellers Support Group
- West Midlands Consortium. Education Service for Travelling Children
- Michael Baldwin, Mostyn House, Bridge Street, Leominster - Advisory Teacher for Travelling Children in Herefordshire

- Mr Mrs H.J.V Price, Maunderfield Cottage, Bodenham
- Mrs Christine Potts, Headteacher St Michael's School, Bodenham
- Dr R Thompson, The Marches Surgery, Leominster
- Karen James, Lead Nurse/Project Manager, Herefordshire Primary Care Trust.

The main points raised are:

- The applicants strong connection with Bodenham area
- The children have very good attendance rates at local schools
- The family are co-operative and caring and the children well behaved and courteous
- The family have been resident on Travellers sites in the Leominster district in the past
- A recent period in Council accommodation in Hereford was an 'unhappy episode'
- A settled existence would help manage and improve the applicant's heart condition
- The applicants have made efforts to improve the appearance of the site
- It is considered that the proposal will produce a successful small scale family site.

5.3 In support of the proposal the applicant's agent has submitted a supporting statement. This confirms that:

- The family are not housedwellers but follow Romany cultural traditions
- Most of their travelling life has been in Herefordshire and they are local to the Bodenham area
- They have resided on local farms and set up camp on the roadside outside Bodenham when insufficient provision was provided on Herefordshire sites
- A short period of time was spent in social housing in Hereford in the absence of any alternative sites but they found adjusting to housedwelling so difficult that it affected their health
- Local plan policy prefers smaller sites, and the proposal meets the criteria as set out in Policy A59 regarding landscape impact, pollution, distance to local services, links to the local community adequate screening, appropriate residential amenity and can as such be treated as an exception.

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 site is located outside the settlement boundary for Bodenham where residential development will not normally be permitted unless exceptional circumstances can be demonstrated.

6.2 Policy A59 permits Gypsy caravan sites provided there is an identifiable need and that the proposal meets certain criteria, including compliance with A1 and A12, and assimilation. A site for one family is far more likely to be assimilated within the community than proposals for multiple pitches.

6.3 The site was formally overgrown and has been cleared and landscaped to improve its overall appearance. A close-boarded fence has been erected to screen the development, and an established roadside hedge softens the impact of the development.

- 6.4 Whilst outside the settlement boundary, the site is located near to Bodenham and access to local service provision including the shop, public transport and the school to which one of the applicant's daughters already attends.
- 6.5 The proposal relates to one static and one mobile caravan and is therefore of a limited scale in terms of its impact upon the character and amenities of the area.
- 6.6 The supporting information satisfactorily sets out the genuine need of the development, that it will have appropriate levels of residential amenity and that the development will not have a negative impact in terms of landscape.
- 6.7 It is not considered that the proposal will result in any material harm and is in accordance with policies contained in the Leominster District Local Plan.

## RECOMMENDATION

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

- 1 - This permission shall enure for the benefit of Mr and Mrs Alfred and Caroline Johns only and not for the benefit of the land or any other persons interested in the land.**

**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.**

- 2 - In accordance with the approved drawings, this permission relates to the siting of one static caravan and one mobile home only. No other units of accommodation shall be brought onto or occupied on the site.**

**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.**

- 3 - When the caravans cease to be occupied by Mr and Mrs Alfred and Caroline Johns or at the end of 5 years whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the site in connection with the use shall be removed.**

**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.**

**Informative:**

**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**  
Leominster District Local Plan  
Policies A1, A2, A12, A59



Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**13 DCNC2004/0430/F - PROPOSED NURSERY & FAMILY CENTRE OFF CONINGSBY ROAD, LEOMINSTER, HEREFORD.****For: Surestart per Herefordshire Council Property Services Franklin House 4 Commercial Road Hereford HR1 2BB****Date Received:  
13th February 2004****Ward:  
Leominster South****Grid Ref:  
49758, 58616****Expiry Date:  
9th April 2004**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The site is a flat, grassed area on the main pedestrian approach route from the car park off Coningsby Road to the Leominster Leisure Centre and Minster College. The Leominster Community Hospital lies to the west with the proposed associated parking provision being located to the east on the resurfaced former youth club car park.
- 1.2 There are trees bordering the path to the Minster College and hedgerow along parts of the northern and eastern boundary of the site.
- 1.3 The proposal building is of modern design, constructed in contrasting bricks and cladding to the walls and slate on the roof.
- 1.4 The use of the building will be divided between two user groups. A Nursery will occupy the rooms to the south and the Family centre, accommodation to the north.

**2. Policies****2.1 Leominster District Local Plan (Herefordshire)**A1 – Managing the District's Assets and Resources  
A61 – Community, Social and Recreational Facilities**2.2 Unitary Development Plan**Policy DR1 Design  
S11 Community facilities and services  
CF5 New community facilities**3. Planning History**

- 3.1 None on this site, though the new swimming pool is to be built opposite.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water - No objections subject to the imposition of conditions relating to foul and surface water drainage.
- 4.2 Ramblers - no response received
- 4.3 Care Standards Commission - No response received.
- 4.4 Open Spaces - No response received.

##### Internal Council Advice

- 4.5 Head of Engineering and Transport: No objection subject to the imposition of conditions.
- 4.6 Environmental Services - no comment
- 4.7 Archaeology - Awaiting comments
- 4.8 Public Rights of Way - no response received

#### 5. Representations

- 5.1 Leominster Town Council: 'Recommend refusal. The Council feels that the proposed centre, along with existing and planned facilities, will constitute over development of this location. Members express concern over the significant increase in traffic which will accrue in Coningsby Road, particularly bearing in mind the surrounding accommodation for the elderly and sheltered accommodation. Members feel that the road is already over used and congested , particularly at certain times of day.'
- 5.2 A letter of representation has been received from Mrs A Holman, 14 Coningsby Road, Leominster, with a petition signed by local residents

The main concerns are:

- The additional volume of traffic which will be generated
  - Congestion of parking areas
  - Heavy traffic along narrow access road - Coningsby Road and congestion at peak times
- 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 proposed development will meet an identified local need and provide a purpose-built community family centre with daytime nursery facilities, under one roof.

- 6.2 The building has been designed to minimise the impact on adjacent development with only secondary windows facing the side boundary, which will be screened by timber fencing. The Leominster Community Hospital has accommodation overlooking the site. The proposed building has been sited away from the main hospital block, and adjacent to outbuildings to safeguard the amenities of patients and staff. The main activity and nursery room accommodation faces towards the Minster School and Leisure Centre buildings.
- 6.3 The development will as such be well related to existing complementary uses, thereby minimising the number of vehicle movements by allowing combined trips to drop off and collect children and visitors using the various facilities on the wider site area. The proposal will not as such result in material impact in terms of traffic congestion.
- 6.4 The application includes the provision of additional off street parking, by resurfacing the former car park to the now demolished youth club. The appearance of this area will be improve as a result of the proposed development and additional landscaping will help integrate the development and soften the impact upon the wider residential area.
- 6.5 The site as a whole is close to residential areas and is well located in terms of its links to surrounding public footpath networks, allowing safe and easy access to the site for pedestrians. Access on foot is to be encouraged in terms of achieving the objectives of sustainable development.

## 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 - 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.**

**4 - H21 (Wheel washing )**

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

**5 - 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.**

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

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

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

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

**8 - G06 (Scope of landscaping scheme )**

**Reason:** In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

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

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

**Informatives:**

**1 - HN19 - Disabled needs**

**2 - N15 - Reason(s) for the Grant of PP**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**14 DCNW2004/0123/F - ERECTION OF A DETACHED DWELLING ON LAND TO THE REAR OF NO. 7 HIGH STREET, KINGTON****For: Mr M Roper per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire HR5 3DB****Date Received:**  
13th January 2004**Ward:**  
Kington Town**Grid Ref:**  
29714, 56705**Expiry Date:**  
9th March 2004

Local Member: Councillor T James

**1. Site Description and Proposal**

- 1.1 The application site comprises a roughly rectangular 0.1 hectare plot forming the large garden plot at the rear of 7 High Street, Kington. It incorporates an existing garage building positioned at a lower level to the elevated site itself, which rises in a northerly direction towards the stone wall boundary with Prospect Lane.
- 1.2 Access is derived via a narrow roadway off Duke Street shared with a number of dwellings and commercial premises including the communal parking area associated with Lower Cross. The site also benefits from a pedestrian access from Prospect Lane.
- 1.3 There are a number of disused ancillary buildings within the site which would be demolished together with the removal of several ornamental trees.
- 1.4 The site lies within the Kington Conservation Area and is also designated as an Important Open Area. The nearest affected property (Lower Cross House) is located immediately to the east of the application site and comprises a modern two storey detached property.
- 1.5 Planning permission is sought for the erection of a 2/3 bedroom two storey dwelling incorporating 2 bedrooms and a wc within the roof structure. The ground floor incorporates a 3rd bedroom that could also be utilised as a study. The proposed dwelling has a ground floor area of 85 metres<sup>2</sup> and a maximum width of 6.6 metres. The eaves height would be limited to 2.4 metres above ground level whilst the ridge height would be 6.4 metres.
- 1.6 The proposed dwelling would be constructed utilising render with a natural slate roof.

**2. Policies****Hereford & Worcester County Structure Plan**

Policy CTC 9 Development Requirements

Policy CTC 15 Conservation Areas

Policy CTC 18 Development in Urban Areas

**Leominster District Local Plan (Herefordshire)**

- A1 Managing The District's Assets And Resources
- A2(B) Settlement Hierarchy
- A21 Development Within Conservation Areas
- A22 Ancient Monuments And Archaeological Sites
- A24 Scale And Character Of Development
- A25 Protection Of Open Areas Or Green Spaces
- A54 Protection Of Residential Amenity
- A70 Accommodating Traffic From Development

**Herefordshire Unitary Development Plan (Deposit Draft)**

- S1 Sustainable Development
- S2 Development Requirements
- S3 Housing
- S8 Natural and Historic Heritage
- DR1 Design
- DR2 Land Use & Activity
- H1 Hereford & the Market Towns: Settlement Boundaries and Established Residential Areas
- H13 Sustainable Residential Design
- H16 Car Parking
- T11 Parking Provision
- HBA 6 New Development Within Conservation Areas
- HBA 9 Protection of Open Areas
- ARCH1 Archaeological Assessments and Field Evaluations

**3. Planning History**

- 3.1 NW2003/1729/F - Erection of detached dwelling - Withdrawn 5 August 2003.

**4. Consultation Summary**Statutory Consultations

- 4.1 Welsh Water raise no objection subject to conditions regarding the discharge of foul and surface water.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - no objection.
- 4.3 Chief Conservation Officer raises no objection in terms of the impact of the proposal upon the Kington Conservation Area but requests natural slate, joinery details and brickwork stack. A standard archaeological evaluation condition is requested since the site is within the medieval core of Kington.
- 4.4 The Public Rights of Way Manager raises no objection.

**5. Representations**

- 5.1 Kington Town Council raise no objection.
- 5.2 Two letters of objection have been received from the following persons:



- Mr A Tanner, Lower Cross House, High Street, Kington
- Caldicotts Solicitors (on behalf of Mr Stanley, owner of 6 High Street, Kington)

5.3 The concerns raised can be summarised as follows :

- view from upstairs window completely obscured
- lack of parking for visitors/tradesmen will have a detrimental effect on people living in Lower Cross
- all parking in the locality is private and not available for members of the public
- will result in nuisance parking in the locality
- access onto High Street unacceptable
- no right of way exists for additional property

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 key issues for consideration in the determination of this application are as follows :

- a) the impact of the proposed dwelling on the character and appearance of the Kington Conservation Area;
- b) the impact of the proposed dwelling on the residential amenity of neighbouring occupiers, and;
- c) the implications for parking at the site.

6.2 The character of this part of the Kington Conservation Area is primarily defined by its openness which accounts for its designation as an Important Open Area and of fundamental concern therefore are the implications for the proposed infill upon the openness of the area.

6.3 The site occupies a very inconspicuous position within the Conservation Area and is not readily visible from any public vantage points. In views from Lower Cross to the east, the site whilst elevated above road level would be completely obscured by the presence of the modern detached property (Lower Cross House). The northern boundary is defined by a high stone wall which does not allow views over, although from this vantage point there is a perception of the open space beyond.

6.4 The proposed dwelling would be located some 15 metres away from the boundary wall, in a position somewhat lower than Prospect Lane, which when combined with its modest 6.4 metre height is such that it would limit the effect on the open character of the site. It is unlikely that any part of the roof would be visible from Prospect Lane and as such the degree of harm associated with this proposal is such that the terms of Policy A25 of the Local Plan would not be unduly compromised.

6.5 The siting of the dwelling is well related to the modern dwelling to the east and the converted barn to the west and it would not appear out of context in this respect. The use of render and slate is consistent with and complimentary to the mixed palette of materials in the locality and accordingly it is considered that the proposal would satisfy Policy A21 of the Local Plan.

Residential Amenity

- 6.6 The main consideration in this case is the effect of proposed dwelling upon the amenities of Lower Cross House. The orientation and layout of the proposed dwelling has been designed so as to reduce its effect upon the neighbouring property. It is not considered that privacy will be unduly affected since the only first floor window would be a rooflight serving the WC. The potential impact is therefore limited to the overbearing/overshadowing effect of the proposed dwelling. In this case the ridge height of the proposed dwelling would be at a point some 6 metres from the flank wall of Lower Cross House with the modest eaves height being some 3 metres away (excluding the porch). This would not result in any harmful overbearing effect upon the first floor window and the relative orientation and modest height of this proposal is such that overshadowing would not result.
- 6.7 The loss of the view from the first floor window of Lower Cross House mentioned in the objection to the proposal is not a material planning consideration.
- 6.8 In view of the above it is considered that Policy A54 of the Local Plan is satisfied.

Access and Parking

- 6.9 This represents the other main strand of the concerns raised in respect of this proposal, and the implications warrant some explanation by way of background information. The current arrangement is such that the private right of way to the garage is associated with the retail premises (7 High Street). There is a flat above the shop which does not have the benefit of private parking at the rear. The applicant advises that the garage is not used in connection with the shop but is used for the parking of his own vintage car.
- 6.10 The intention in this case would be to maintain the right of way but for use in connection with the proposed dwelling. This would facilitate the provision of one parking space within the existing garage building. The implications for this are that the current usage would be displaced. Within the town centre where public parking and accessibility to public transportation is available this is not considered to be a fundamental problem or one that would warrant the refusal of planning permission.
- 6.11 The recommendation is therefore to condition the provision of the space in connection with the proposed dwelling. The legalities of this would need to be resolved between the applicant and the adjacent landowner but this is not an issue that should delay the consideration of the planning merits of the proposal.
- 6.12 The site is sufficiently distant from the public highway to enable any vehicles using the site to manoeuvre and enter High Street/Duke Street in a forward gear and as such no objection is raised by the Head of Engineering and Transportation.

**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 ) (site plan, block plan, proposed floor plan and proposed elevations received 26 January 2004)

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 - C05 (Details of external joinery finishes )

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

- 5 - D01 (Site investigation - archaeology )

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

- 6 - E16 (Removal of permitted development rights )

Reason: To preserve the openness of the remainder of the garden curtilage in the interests of protecting the character of the site and amenities of neighbouring occupiers.

- 7 - E18 (No new windows in specified elevation )(dormer windows)(east)

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

- 8 - F18 (Scheme of foul drainage disposal )

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

- 9 - 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.

- 10 - H13 (parking )

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

- 11 - H27 (Parking for site operatives )

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

**Informatives:**

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

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



**15 DCNW2004/0197/F - ERECTION OF HAY/STRAW AND IMPLEMENT STORAGE BARN AT HURSTLEY COURT, KINNERSLEY, HEREFORDSHIRE, HR3 6PD****For: Mr B Thomas per Mr I Savagar, 35 Caswell Crescent, Leominster, Herefordshire HR6 8BE****Date Received:**  
**19th January 2004****Ward:**  
**Castle****Grid Ref:**  
**34858, 48999****Expiry Date:**  
**15th March 2004**

Local Member: Councillor John Hope

**1. Site Description and Proposal**

- 1.1 The application site comprises a 750-hectare plot in Hurstley, in the Kinnersley area. The immediate locality principally consists of the Hurstley Court farm complex and Hurstley House Farm. The immediate locality includes some 4 Grade II Listed Buildings. The character of the locality is entirely rural and agricultural. The landscape has no specific designation but its intrinsic value is noted.
- 1.2 This application seeks Planning permission for the erection of a new farm building to the north of the Hurstley Court farm complex. The proposal involves the erection of an agricultural building with a floor area of 278 square metres, built directly adjacent to an existing agricultural building of similar size and appearance. The original application called for a steel clad structure but through negotiation this has been superseded by a proposal with timber cladding. The proposed use of the barn is hay/straw and implement storage.

**2. Policies****Hereford and Worcester Country Structure Plan**

A3 Agricultural Buildings

**Leominster District Local Plan (Herefordshire)**

A9 Safeguarding The Rural Landscape

A18 Listed Buildings And Their Settings

**Herefordshire Unitary Development Plan (Deposit Draft)**

DR1 Design

E13 Agricultural and forestry development

HBA4 Setting of Listed Buildings

**3. Planning History**

- 3.1 None relevant to this application.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None

##### Internal Council Advice

4.2 Head of Engineering and Transportation - raises no objection to this proposal.

4.3 Chief Conservation Officer - Initially had concerns regarding the proposed materials. It was noted that the barn is in a very visible location within the open countryside. The setting of the 4 Listed buildings within the locality is also for consideration. A revised scheme was requested, and received, with timber boarding. On the basis of this revision, no objection is raised to the proposed development.

#### 5. Representations

5.1 Letton Parish Council commented as follows on the proposed development:

'The Parish Council has no objection to the proposal but would endorse the request for screening made by Mr McKellar.'

5.2 A letter of objection was received in response to this application from;

- Mr J. McKellar, Hurstley House Farm, Kinnersley

The objections to the scheme can be summarised as follows:

1. The proposed building will be less than 50 metres away from, and overlooks directly, the entrance of the above property. The proposed shed will be clearly visible from the house and garden and will result in a loss of light.
2. Adequate screening should be provided so that the proposal cannot be visible from the above property.
3. Materials should be changed to green, so as to be less visually intrusive from the above property.

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 key issues associated with this application are considered to be as follows:

1. The principle of development
2. The impact of the proposal upon the setting of the nearby Listed Buildings
3. Impact upon the landscape
4. Screening
5. Residential amenity

### Principle of Development

- 6.2 Policy A3 of the Hereford and Worcester Country Structure Plan states that applications for the construction of agricultural buildings will be treated sympathetically, but also states the importance of siting and design.
- 6.3 The proposal for the erection of an agricultural building is therefore accepted in principle, subject to consideration of issues such as siting and design.

### Listed Building Issues

- 6.4 This application involves the siting of a new building in relatively close proximity to a total of 4 Listed Buildings. The sensitive nature of this site is recognised. It was considered that the original proposal as submitted was unsympathetic to the character and materials of the existing buildings. It was also considered that the unsympathetic nature of the proposal would be detrimental to the setting of the Listed buildings and to the countryside views. Notwithstanding this, the siting of an agricultural building in this location is not considered in itself harmful, rather it is details of the scheme that were problematic. It is pointed out that no objection has been raised from any party for the actual provision of this building.
- 6.5 The revised scheme now includes timber cladding on the side elevations and this is considered to be a far more appropriate material. It is considered that by virtue of the revised materials, the proposed building will integrate successfully into the farm complex, without detriment to the setting of the Listed Buildings in the locality. The details of the boarding will be conditioned for confirmation of their acceptability by the Historic Buildings and Conservation Officer. On the basis of the revised plans, the proposal is considered acceptable in relation to impact upon the setting of the Listed Buildings in this location.

### Impact upon the Landscape

- 6.6 The revised materials will allow for the building to integrate successfully with the farm complex and will significantly reduce the prominence of the building within the wider landscape. It is considered that the landscape will be protected and not negatively impacted upon by virtue of the revised proposal.

### Screening

- 6.7 A request for screening has been made by both a local resident and the Parish Council. This screening has been requested so that the buildings may be screened from view from Hurstley House Farm. Given the observations above it is not considered that such screening is necessary, particularly when that requested is alien to evergreen urban style hedging of a more intrusive nature than the building itself.

### Residential Amenity

- 6.8 The remaining issue of note is that of residential amenity. Objection has been received regarding the privacy implications of the proposal. The key issue revolves around the loss of light to the neighbouring property, Hurstley house Farm.

6.9 It is considered that the proposed building is of a sufficient distance that no light loss will occur as a result. It is also suggested, in consideration of the request for landscaping by this objector, that the implications of light loss associated with this building are considerably less than that of a row of substantial evergreen trees on the boundary with the roadway, notably closer than the proposed barn.

Conclusion

6.10 It is considered that the revised proposal, with details of the materials to be approved by the Historic Buildings and Conservation Officer, is acceptable and will not detract from the setting of the nearby Listed Buildings, or the character and appearance of the landscape.

**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 ) (drawing number 3437/1, received on 05/04/04, and Location Plan received on 02/02/04).**

**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.**

**Informatives :**

- 1 - N03 - Adjoining property rights**
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**16 DCNW2004/0260/F & DCNW2004/0261/L -  
CONVERSION AND CHANGE OF USE FROM PUBLIC  
17 HOUSE TO 2 NO. SHOPS AND 7 NO. DWELLING UNITS  
AT THE CASTLE INN, CHURCH STREET, KINGTON,  
HEREFORDSHIRE, HR5 3BE**

**For: Messrs D A & S A Jaques per Mr B Thomas,  
The Malt House, Shobdon, Leominster, Herefordshire**

**Date Received:  
22nd January 2004**

**Ward:  
Kington Town**

**Grid Ref:  
29543, 56655**

**Expiry Date:  
18th March 2004**

Local Member: Councillor Terry James

## **1. Site Description and Proposal**

- 1.1 The application site comprises a 0.065-hectare plot, which occupies a prominent location on Church Street, within the Kington Conservation Area. The site consists of a Grade II Listed, early 19th Century, 3-storey property forming part of the street frontage. The principle building is the former Public House/hotel. This is a large and dominating structure with a white roughcast render finish to the front, sides, and elements of the rear. To the rear, a two-storey rear projection runs out from main building, along the boundary with the adjoining property to the southeast (number 32). This projection is of stone construction with some brickwork and some white painted elements. The previous use of this element of the built form was hotel accommodation and kitchen and bathroom facilities associated with the Public House use. A single storey modern extension of limited merit is found to the rear of the main building, also attached to the two-storey projection, forming a 'L' shape insert. This extension formed toilet facilities for the Public house. Also to the rear is found a detached two-storey building, previously utilised as a ballroom. The ballroom building is of stone construction. All elements are essentially in a sound condition.
- 1.2 The site is currently vacant. The historical use of the building was as a Public House/hotel however this is stated as having ceased in 1999. It is understood that an element of the main building remained in partial use as a dwelling for a further period time but now the building is entirely vacant.
- 1.3 The character of the locality is a mix of commercial and residential uses. The immediate neighbouring properties are residential. The site is on the periphery of the commercial centre of Kington. The surrounding properties are mixed in age, design, character, and appearance. A number of buildings of some architectural merit are in close proximity to the site. The area is a sensitive element of the Conservation Area and the site forms an important element to it.
- 1.4 An access point to the site is from Church Street. This is a gated entrance allowing access to the small courtyard between the main building and the ballroom. The site is essentially level although the garden area does have some variation.

- 1.5 These applications seek Planning permission and Listed building Consent for the conversion of the buildings on site to form 2 shops units and 7 dwelling units. The shop units are proposed to utilise the two historical bar room areas within the Public house. This will allow for the creation of two retail units with a combined floor space of 70 square metres. The 7 dwelling units proposed consist of 2 cottages in the ballroom building, 2 cottages in the two storey projection to the rear of the main Public House building, and two flats and a maisonette on the second and third floors of the Public House building. No parking facilities are currently available on site, and none are proposed as part of this application.

## 2. Policies

### Government Guidance

- PPG1 General Policy and Principles
- PPG3 Housing
- PPG15 Planning and the Historic Environment

### Hereford and Worcester Country Structure Plan

- H15 Leominster Sub-Area
- CTC9 Development Requirements
- CTC13 Buildings of Special Architectural or Historical Interest
- CTC15 Conservation Areas
- CTC18 Development in Urban Areas
- S1 Criteria for Retail Development

### Leominster District Local Plan

- A1 Managing The District's Assets And Resources
- A2(A) Settlement Hierarchy
- A14 Safeguarding The Quality Of Water Resources
- A16 Foul Drainage
- A18 Listed Buildings And Their Settings
- A21 Development Within Conservation Areas
- A23 Creating Identity And An Attractive Built Environment
- A24 Scale And Character Of Development
- A32 Development Within Town Centre Shopping And Commercial Areas
- A54 Protection Of Residential Amenity
- A62 Proposals Resulting In The Loss Of Community Facilities
- A70 Accommodating Traffic From Development
- A72 Parking Within Or Adjacent To Central Shopping And Commercial Areas
- A73 Parking Standards And Conservation

### Herefordshire Unitary Development Plan (Deposit Draft)

- S1 Sustainable Development
- S2 Development Requirement
- S3 Housing
- S4 Employment
- S5 Town centres and retail
- S6 Transport
- S7 Natural and historic heritage
- S11 Community facilities and services
- DR1 Design
- DR2 Land Use & Activity
- DR3 Movement

DR4	Environment
H1	Hereford and the market towns: settlement boundaries and established residential areas
H13	Sustainable residential design
H14	Re-using previously developed land and buildings
H15	Density
H16	Car parking
TCR1	Central shopping and commercial areas
TCR2	Vitality and viability
TCR8	Small scale retail development
T11	Parking provision
HBA1	Alterations and extensions to listed buildings
HBA3	Change of use of listed buildings
HBA4	Setting of listed buildings
HBA6	New development within conservation areas

### 3. Planning History

3.1 None relevant to this application.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water - Raised no objection subject to conditions relating to the control of foul and surface water discharges from the site.

#### Internal Council Advice

4.2 Head of Engineering and Transportation – advises that this proposal fails to meet the standards of the Council for the provisions of car parking facilities. It is pointed out that a development of this size should be provided with 14-16 spaces. The lack of on-street parking is noted. At the time of the site visit, Thursday 12th February 2004 at 1400 hours, a total of 12 spaces were available in the vicinity of the site. The availability of parking in the Council car park in Crabtree Road is noted, however, there is a charge for this facility between 0800 and 1500. Facilities for refuse collection are also not specified. However, it is recognised that this is a difficult situation and as such the following are advised as conditions to allow development to take place :

1. The developer must ensure that any purchasers or tenants of the dwellings are fully aware that there is no parking provision on site and any parking on street is subject to the current Traffic Regulation Orders. In practice this probably means that purchasers or tenants will need to park on public car parks. The nearest public car park is located by Crabtree Road, there is a parking charge between 0800 and 1500 hours; however there are other free car parks in Kington.
2. To encourage the use of public transport the developer should supply each occupant with a free daily one month's supply of bus tickets to and from Hereford or any destination of a similar distance from Kington, e.g. Leominster, Llandrindod Wells. We understand one of the bus operators provides Multi-Journey tickets.
3. To encourage the use of bicycles the developer should provide on site a minimum of 4 cycle lockers; if the dwellings are to be occupied solely by elderly residents these could be substituted for Sheffield Cycle stands that could be used by visitors.

- 4.3 Chief Conservation Officer - raises no objection to the proposal in terms of the works to the Listed building and the implications upon the Kington Conservation Area. A number of conditions are suggested and will be referred to in the Officers appraisal and recommendation.

## 5. Representations

- 5.1 A total of 6 letters of objection were received in response to this application. Of these, 3 are from the same address. The 4 sources of objection are as follows:

- G.F. Parry, 7 Church Street, Kington
- Mr R. Mills, 32 Church Street, Kington
- Mr and Mrs N Layton, 34A Church Street, Kington
- Mr B. Rump, 30 Church Street, Kington (3 letters)

- 5.2 The objections to the scheme can be summarised as follows:

1. Lack of on site parking facilities.
2. Provision for safe removal of asbestos.
3. Details of materials - appropriate? To match?
4. Implications regarding the stonewall forming the boundary with 'White Lion' (Number 32/33). This wall is currently in a relatively poor state of repair in places and has collapsed in one section.
5. No additional windows should be included in the elevation overlooking adjacent property (Number 32).
6. Desirability of new guttering on elevation on boundary with adjacent property (Number 32).
7. Overlooking of rear garden area of adjacent property (number 30) with associated loss of privacy.

- 5.3 Kington Town Council commented as follows on the proposed development:

'The creation of two new retail units is welcomed. However, concern is raised regarding the parking provision associated with the site. The limited parking provision in the vicinity of the Castle Inn is highlighted and the Town Council expresses a wish for as least 1 parking space per dwelling being provided within the site.'

- 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 key issues associated with this application are considered to be as follows:

1. The principle of development, considering the loss of a community facility.
2. The impact of the proposal upon the Listed Building and the Kington Conservation Area.
3. Transportation Issues
4. Residential Amenity implications

- 6.2 Each of these key issues will be considered independently, together with a discussion of the remaining issues.

Principle of Development

- 6.3 Regarding the residential element to the proposal, policy A2(A) of the Leominster District Local Plan establishes that within Kington development will be permitted subject to compliance with other Local Plan policies. Policy A32 states that within town centres, where vacant or underused floor space exists within upper storeys, their conversion to residential will be permitted subject to local plan policies relating to Listed Buildings and transportation.
- 6.4 Turning to the retail element of the scheme, within the central shopping area of Kington policy A32 of the Local Plan states proposals for new commercial use within Part A of the use Classes Order, together with complementary uses, will be supported where appropriate.
- 6.5 Notwithstanding the above, as this building was previously a Public House/hotel, it is appropriate to consider policy A62, which relates to proposal resulting in the loss of community facilities. In this situation, the redundant nature of the property, the limited likelihood of its re-use as a Public house or hotel, and the availability of alternative Public Houses and hotels within close proximity to the site, is such that it is considered reasonable to conclude that the facility is no longer required or likely to be re-established in its previous role. It is considered that the building is capable of only a limited number of roles. It is of note that no objections are raised to the conversion in principle.
- 6.6 It is therefore considered that the residential and retail elements of this scheme are acceptable in principle, subject to acceptability in consideration of the details of the scheme, with particular consideration of the conservation, transportation, and amenity issues.

Listed Building and Conservation Area Issues

- 6.7 This application involves works to a Listed Building, and additional curtilage structures, in a prominent location within the Kington Conservation Area. Clearly considerable weight must be given to the acceptability of this scheme in consideration of the impact upon this valuable building and its setting.
- 6.8 The Historic Buildings and Conservation Officer has been involved in this scheme from an early stage. Prior to the submission of an application negotiations took place to ensure the schemes acceptability.
- 6.9 The removal of the 20<sup>th</sup> Century extension to the rear is welcomed, as are the improvements associated with the southwest elevation. It is considered that the application represents an opportunity to improve the on site situation. That said, some minor amendments have taken place since the submission of the original application. These can be summarised as follows:
- Revised internal layout in ground floor shop to maintain formal space of the room
  - Railings to the stone steps to the northwest elevation of the two storey projection to be retained
  - Window detail revisions in the interests of appearance
  - Existing doors retained with glazing inserts, as opposed to replacement with window opening.

- 6.10 The internal works are generally improvements, however, some are mild compromises, such as the maisonette arrangement, are necessary for the viability of the scheme. Ultimately though, the works are considered to be an improvement over the current situation and in the best interests of the Listed Building.
- 6.11 The external works are generally limited to renovation. To the front, no changes are proposed. Elsewhere, existing and historic openings are utilised and important features retained. Only the northeast elevation at ground floor level involves any significant change and these works are considered justifiable and acceptable. The site is currently in a generally dilapidated state and the works proposed are considered to be both appropriate and desirable in the interests of the buildings and site.
- 6.12 By virtue of the works proposed for the site it is considered that the Conservation Area will not be adversely affected by the development. The front elevation, as noted, will remain unchanged and elsewhere the works are considered appropriate improvements that will preserve, and in some cases enhance, the impact of the built form upon the Conservation Area.
- 6.13 The works are supported by the Historic Buildings Officer and considered to be in accordance with adopted development policy. Specific issues of detail such as materials, guttering, joinery, repairs, and painting will be controlled through conditioning to ensure their acceptability.

#### Transportation

- 6.14 The Transportation Unit accept the difficulties associated with this application. Although not offering specific support to the scheme, conditions are suggested to overcome the issues as far as is possible. In consideration of these conditions, the requirement for the developer to advise of the parking provision and situation locally is most appropriately covered by an informative. Regarding the public transport situation and the supply of one months tickets, it is not considered that this is a particularly useful strategy. That said, an informative is again suggested to advise of the local public transport provision. The provision of cycle lockers is considered sensible and a condition will be afforded requiring this.
- 6.15 Ultimately the transportation issue boils down to the following question: Does one allow the proposal in view of its ability to renovate an important Listed Building and associated curtilage buildings, bringing with it the potential to regenerate the site and locality? Or does one refuse it on the grounds that, notwithstanding the town centre location advantages, it has transportation problems associated with it? Even if the refusal of the scheme has the potential to sterilise the site?
- 6.16 It is suggested that the greater good is served by permitting the application and reaping its benefits, with the potential offered by the scheme and its location compensating for the transportation issues associated with it.

#### Residential Amenity

- 6.17 The remaining issue of note is that of residential amenity. Objection has been received regarding the privacy implications of the proposal. The key issue revolves around the proposed first floor opening to the rear of the ballroom building, serving a kitchen, and a ground floor side opening in the two storey projection to the rear of the Listed Building, also serving a kitchen.

- 6.18 Clearly the proposed first floor window in the rear of the ballroom building will allow for overlooking of the neighbouring rear garden area (number 30), however, the opening is historic and is rear facing, not side. The opening does not, therefore, directly overlook the rear garden area of the adjacent property. The situation will be no different to that found with any rear window on a boundary with an adjoining property. A degree of privacy will be lost but not to the extent that refusal is considered to be justified. In addition, a large obscure glazed window is not considered visually acceptable in this building.
- 6.19 Considering the side opening overlooking adjoining property number 32, the privacy issue here is considered valid. The window is at ground floor level and looks directly over the garden area of the neighbour from the side. This window is currently, and will remain a kitchen window, and the lower glazing panel is obscured. This is considered sufficient to overcome privacy concerns and will be conditioned to ensure the continuing privacy of this neighbour. It is pointed out that this situation has been discussed with the occupants of number 32 (during a site visit on the 17<sup>th</sup> February 2004) and no objection is raised on the basis that the obscure glazing is indeed conditioned for retention.

#### Other Issues

- 6.20 The wall on the boundary with property number 32 has been raised as an issue. No works are currently proposed to this wall and any that are intended would require formal consent by virtue of the Listed Status of the Castle Inn.
- 6.21 The guttering has also been raised, this is an issue conditioned for further consideration by the Historic Buildings and Conservation team.
- 6.22 Regarding the refuse collection, no formal arrangement is intended. A bin storage area is proposed to the rear of the site but the collection would be as per the general arrangement for the locality. This is considered acceptable in consideration of the scale of the proposal and the fact that access to the site by collectors would be problematic. The details of the refuse storage will be conditioned for detailed approval.

#### Conclusion

- 6.23 The scheme is considered to represent an opportunity for regeneration not only of the site, but also the locality. In a town centre location it is suggested that weight should be given to the availability of local services and facilities, and the availability of public transport links. The option of refusal has implications of site sterilisation and further decline. On balance, it is considered that the benefits offered by the scheme outweigh the problems.

### **RECOMMENDATION**

#### **NW2004/0260/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 )(drawing numbers 506/11, 506/01, 506/02. 506/03, 506/04, 506/05, 506/07, 506/08 and Site Location Plan, all received on 22/01/04. Plus, 506/06A, 506/09A, and 506/10A, all received on the 05/04/04).

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 - B02 (Matching external materials (extension) )

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

- 5 - C02 (Approval of details )

(a) details of all new windows and doors and painted finish to external joinery

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

- 6 - 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.

- 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 - C11 (Specification of guttering and downpipes )

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

- 10 - C12 (Repairs to match existing )

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

- 11 - E16 (Removal of permitted development rights )

Reason: To protect the character and setting of the site and locality and to prevent undesirable development in this location.



- 12 - E18 (No new windows in specified elevation )(any elevation of the property).

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

- 13 - E19 (Obscure glazing to windows )(serving the kitchen in dwelling unit identified in drawing 506/06 as 'cottage 1')

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

- 14 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 15 - F18 (Scheme of foul drainage disposal )

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

- 16 - F39 (Scheme of refuse storage )

Reason: In the interests of amenity.

- 17 - The two shop units hereby permitted shall be for a use as defined under Class A1 of the Use Classes Order 1987 only.

Reason: For the avoidance of doubt and to ensure a suitable use of the shop units.

- 18 - H29 (Secure cycle parking provision) (4 cycles)

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

**Informatives :**

- 1 - N03 - Adjoining property rights
- 2 - N06 - Listed Building Consent
- 3 - N07 - Housing Standards
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 5 - The developer should ensure that any purchasers or tenants are aware of the on site parking provision and the parking situation in the locality, in consideration of the current Traffic Regulation Orders.
- 6 - The developer should ensure that all purchasers or tenants are aware of the available public transport facilities and the available routing and timetable information.

NW2004/0261/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 - C16 Detailed scheme of demolition operations

Reason: To minimise the risk of damage to the existing building.

3 - B01 (Samples of external materials )

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

4 - B02 (Matching external materials (extension) )

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

5 - C02 (Approval of details )

(a) details of all new windows and doors and painted finish to external joinery

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

6 - 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.

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 - C11 (Specification of guttering and downpipes )

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

10 - C12 (Repairs to match existing )

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

**Informatives :**

- 1 - N03 - Adjoining property rights
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**18 DCNW2004/0429/F - RECONSTRUCTION OF  
DEMOLISHED COTTAGE AT MOSELEY COTTAGE,  
PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE,  
HR6 9HY****For: Mr R L Norman & Miss P Hulme per David Taylor  
Consultants, The Wheelwright's Shop, Pudleston,  
Leominster, Herefordshire HR6 0RE****Date Received:**  
6th February 2004**Ward:**  
Pembridge  
Lyonsall with Titley**Grid Ref:**  
& 37995, 58756**Expiry Date:**  
2nd April 2004

Local Member: Councillor R Phillips

**1. Site Description and Proposal**

- 1.1 The site known as Moseley Cottage comprises a 0.436 hectare plot consisting of the remnants of a derelict red brick, stone and slate cottage within an area of mixed vegetation, scrub, semi-mature and mature trees.
- 1.2 The site of the cottage itself is well screened from the surrounding open countryside and the public footpaths which run to the east and south of the wooded area.
- 1.3 The site is otherwise surrounded by agricultural land comprising the holding known as The Leen and is accessed via an unmetalled track which serves the main farm complex some 870 metres to the north-east and a number of other private residences.
- 1.4 To the south of the site is Moseley Common, a Site of Special Scientific Interest. It lies within the flood plain of the River Arrow and the access track cuts across a Scheduled Ancient Monument (North Herefordshire Rowe Ditch) which is located at some distance to the east of the derelict cottage.
- 1.5 Planning permission is sought for the reconstruction of the derelict cottage to provide a 3 bedroom dwelling utilising a similar but slightly larger footprint. The elevation treatments seek to reflect the character and appearance of the former cottage.

**2. Policies****Government Guidance**

PPG 25 – Development and Flood Risk

**Hereford & Worcester County Structure Plan**

H16A Housing in Rural Areas

H20 Housing in Rural Areas Outside the Green Belt

CTC 4 Nature Conservation

CTC 5 Archeaology

**Leominster District Local Plan (Herefordshire)**

A1	Managing The District's Assets And Resources
A2(D)	Settlement Hierarchy
A4	National Nature Reserves And Sites Of Special Scientific Interest
A6	Sites Of Local Importance For Nature Conservation
A9	Safeguarding The Rural Landscape
A15	Development And Watercourses
A16	Foul Drainage
A22	Ancient Monuments And Archaeological Sites
A24	Scale And Character Of Development

**Herefordshire Unitary Development Plan (Deposit Draft)**

S1	Sustainable development
S2	Development requirements
DR1	Design
DR7	Flood risk
H7	Housing in the countryside outside settlements
NC3	Sites of national importance
NC4	Sites of local importance
ARCH3	Scheduled Ancient Monuments

**3. Planning History**

3.1 None identified.

**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency – objects to the proposal on the grounds that the site lies within the flood plain of the Curl Brook and is at risk of flooding. The proposal would result in the loss of flood flow and storage and increase the risk of flooding elsewhere.
- 4.2 Ramblers Association - comments awaited.
- 4.3 Open Spaces Society - comments awaited.
- 4.4 Herefordshire Wildlife Trust - comments awaited.

Internal Council Advice

- 4.5 Head of Engineering and Transportation – raises no objection.
- 4.6 Public Rights of Way Manager - raises no objection.
- 4.7 The Chief Conservation officer raises no objection with regard to the impact of the proposal upon the Scheduled Ancient Monument Comments with respect to the designated Site of Special Scientific Interest and Special Wildlife Site are awaited

**5. Representations**

- 5.1 The applicant has submitted a letter which can be summarised as follows :

'The applicants father dismantled the cottage in about 1980 because it was vacant and subject to vandalism and trespass, with potential liability. It remains on site and garden boundaries are evident within an area of what is now overgrown wasteland. It was occupied as a normal dwelling (not as an agricultural workers dwelling on the farm) until the mid 1970's.'

- 5.2 In addition, photographic evidence is attached with the letter and confirmation in respect of the potential for compensation through a Purchase Notice under Section 137 of the Town and Country Planning Act 1990 (as amended).
- 5.3 The implications of this are discussed at paragraphs 6.9 and 6.10 of the Officers Appraisal.
- 5.4 Pembridge Parish Council - comments awaited.
- 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 site occupies an isolated position within open countryside and as such Policy A2(D) of the Leominster District Local Plan (Herefordshire) would apply. The application is submitted in the form of the reconstruction of the demolished cottage and as such can only be considered in connection with the replacement dwelling criteria.
- 6.2 This establishes that the new dwelling should be comparable in size with and within the curtilage of an existing building with established use rights. It is considered that having regard to Ordnance Survey plans, the proposal is comparable in size to the former cottage and would be sited within what would have been a defined residential curtilage. The reality is however that there is no discernable curtilage. However in this case there is a more fundamental point of principle at stake, which is the established use rights of the building.
- 6.3 A number of tests can be applied in reaching a conclusion on this complicated legal matter and these are:
  - a) the physical condition of the building in question;
  - b) the length of time that the residential use has ceased;
  - c) the intention of the owner/occupier and;
  - d) any intervening uses.
- 6.4 In this case, the complete derelict state of the former cottage is an overriding issue since it has no standing walls or roof structure and only the very limited remains of the front face of the cottage visible, which has become completely overgrown. The remains of the rest of the fabric of the cottage otherwise lay strewn about in close proximity to the former cottage site.
- 6.5 The application confirms that the cottage has not been occupied since approximately 1977 and furthermore there appears to have been no intention by the applicant to resurrect the cottage in the intervening years. The evidence provided indicates that the cottage was intentionally demolished due to concerns over trespass and vandalism and possible liability to the farm.

- 6.6 The final test relates to evidence of any intervening uses for which there is none but in view of the above it is considered that the residential use has been abandoned and as such the proposal, in the absence of any other exceptional circumstances, would be contrary to policy A2(D).
- 6.7 In addition to this point of principle, the re-establishment of a new curtilage associated with the dwelling, ancillary buildings and other domestic paraphernalia would significantly change the character and appearance of the site and its immediate surroundings.
- 6.8 In view of the comments received from the Environment Agency and in the absence of a Flood Risk Assessment to determine otherwise, it is considered that the proposed new dwelling and its occupants would be put at risk during a flood event and also that a new dwelling would effect existing flood flows and increase the risk of flooding elsewhere. Accordingly the proposal would be contrary to Policy A15 of the Leominster District Local Plan (Herefordshire) and the guiding principle set out in PPG 25 – Development and Flood Risk.
- 6.9 It is advised that there are potential legal implications associated with the refusal of planning permission since the applicant could pursue a Purchase Notice seeking compensation from Herefordshire Council. Section 137 of the Town and Country Planning Act 1990 (as amended) establishes that a successful submission would require a case to be made that the land in question is not capable of reasonable beneficial use. A similar case is being considered at present at a site known as 85 Tower Hill Cottage, Dormington. The Council's response in this instance is that the associated land could have a beneficial use for agricultural or forestry purposes or for amenity space/private woodland. It is considered that this would be a defensible position with regard to the Moseley Cottage site.
- 6.10 Notwithstanding the above, it is not considered that the prospect of possible legal proceedings, pursuant to Section 137 of the Act, is a material consideration that should be given significant weight such that the overriding presumption against residential development should be outweighed.

## RECOMMENDATION

**That planning permission be refused for the following reasons:**

- 1. The former cottage by reason of its physical condition, the length of non-occupation and the lack of evidence relating to an intention to retain the structure in residential use is considered to have lost its residential use rights. The proposal, in the absence of any other exceptional circumstances, would therefore be contrary to Policy H20 of the Hereford & Worcester County Structure Plan and Policy A2(D) of the Leominster District Local Plan (Herefordshire).**
- 2. The reconstruction of a dwelling with its resultant pressures for ancillary development and re-creation of a residential curtilage would have a detrimental impact on the character and appearance of the site and its immediate surroundings that would be contrary to Policies H16A and CTC9 of the Hereford & Worcester County Structure Plan and Policies A1, A9 and A24 of the Leominster District Local Plan (Herefordshire).**



- 3. The site lies within the Indicative Flood Plain of the Curl Brook, and in the absence of a Flood Risk Assessment, it is considered that it would result in an unacceptable loss of flood flow and storage capacity that would result in an increased risk of flooding elsewhere. The proposal would therefore be contrary to Policy A15 of the Leominster District Local Plan (Herefordshire) and the guiding principles established in PPG 25 - Development and Flood Risk.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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