

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 21st April, 2004**

Time: **10:30 a.m. and then 2.00 p.m.**

Place: **Council Chamber, Brockington**

Notes: **Please note** the **times, date** and **venue** of the meeting. The Planning Application for **Brierley Court, Brierley, (construction of amenity building, toilet buildings and siteworks for 300 unit caravan standing for farmworkers accommodation)** will be dealt with at **10:30 a.m.** The meeting will be reconvened at **2:00 p.m.** to consider the remaining applications.

*For any further information please contact:
Heather Donaldson, Members' Services,
Brockington, 35 Hafod Road, Hereford Tel:
01432 261829 Fax: 01432 260286*

email: hdonaldson@herefordshire.gov.uk

**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
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 24th March, 2004.	1 - 26
4. HEAD OF PLANNING SERVICES REPORT 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.	27 - 142
5. DATE OF NEXT MEETING To note the next Northern Area Planning Sub-Committee will be held on 19th June, 2004 at 2:00 p.m.	

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- 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.
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- 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.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 24th March, 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, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt T.M. James, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule M.B.E., J.P. Thomas and J.B. Williams (Ex Officio).

In attendance: Councillors P.J. Edwards and Mrs J.E. Pemberton

66. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Brig. P. Jones CBE and R.V. Stockton.

67. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
Mrs J.P. French	Agenda Item 5, Ref. 1 – DCNC2003/3755/F - Upgrade an access track to a stone surface at: The Tack Farm, Ullingswick	Declared a prejudicial interest and left the meeting for the duration of this item.
P.J. Dauncey	Agenda Item 5, Ref. 2 – DCNC2003/3805/F - Refurbishment and extension to existing convenience store at: Hatton Park Stores, Hatton Park, Bromyard	Declared a prejudicial interest and left the meeting for the duration of this item.
W.L.S. Bowen	Agenda Item 5, Ref. 4 – DCNC/2004/0321/F - Construction of amenity building, toilet buildings and siteworks for 300 unit caravan standing for farmworkers accommodation at: Brierley Court Farm, Brierley, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.

Councillor	Item	Interest
R.M. Manning	Agenda Item 5, Ref. 5 – DCNC2003/1895/N - Pilot plant and associated buildings for accelerated composting of organic material for 5 years at: Wharton Court, Wharton, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.
B.F. Ashton	Agenda Item 5, Ref. 13 – DCNC2004/0430/F - Nursery and Family Centre off: Coningsby Road, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.
D.W.Rule	Agenda Item 5, Ref. 13 – DCNC2004/0430/F - Nursery and Family Centre off: Coningsby Road, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.
J.P. Thomas	Agenda Item 5, Ref. 13 – DCNC2004/0430/F - Nursery and Family Centre off: Coningsby Road, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.

68. MINUTES

RESOLVED: That the Minutes of the meeting held on 25th February, 2004 be approved as a correct record and signed by the Chairman.

69. PLANNING DELIVERY GRANT

The Chairman of the Planning Committee was delighted to report that in recognition of its continued efficient service delivery, the Office of the Deputy Prime Minister had awarded the Planning Services Division a Planning Delivery Grant of £406,262. The Sub-Committee expressed its appreciation for the hard work undertaken by the Division in achieving the Grant.

70. ITEM FOR INFORMATION – APPEALS

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

RESOLVED: That the report be noted.

71. 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**72. 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 4.55 p.m.

CHAIRMAN

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APPENDIX

Ref. 1
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.**

Receipt of further representations, raising no new issues, were reported. The Principal Planning Officer reported on slight amendments to the conditions, which were included in the recommendation.

In accordance with the criteria for public speaking, Mr Hoskins of Much Cowarne Parish Council, and Mr Daly, spoke in objection to the proposal.

During the ensuing discussion, Members raised concerns about Paragraph 6.3 of the report, which had stated that vehicle access would be limited, although it had not mentioned how this would be monitored or enforced. There were additional concerns about how conditions 4, 5, 6, and 7 would be met. Refusal was moved on the grounds that 1) the proposed works would increase the historic width of the bridleway to an unacceptable level; 2) It would be impossible to ensure that the proposed conditions would be met; 3) the application was felt likely to encourage unacceptable and damaging levels of traffic; 4) the safety of the public could not be guaranteed by stewards; 5) the historic width of the bridleway could prevent use by aggregate vehicles; 6) it was unlikely that the Environment Agency would grant permission for culverting; and 7) the use of the bridleways by horseboxes would be damaging to the locality.

Other members stated that the application, being a simple upgrading of an existing track, would not be detrimental to the amenity of the area, and noted that the Public Rights of Way Manager and the Transportation Manager had not objected to the application. They felt that the application should be approved, and that the conditions recommended would be sufficient to ensure suitable and safe use of the bridleway.

The Northern Divisional Planning Officer explained that the law allowed for the bridleway to be used for equestrian purposes for up to 28 days without permission. Other issues relating to horseboxes, safety, and road traffic were pertinent to the 28-day usage and not to the planning application. He added that enforcement of this rule was not a matter to be considered with the application either, but would be referred to the Enforcement Section if there were any breaches. In the same manner, any references to culverting were solely a matter for the Environment Agency. With reference to the historic bridleway, he reported that, if the acceptable width was crucial, a condition would be included in any permission granted specifying the track width, after a site investigation had been conducted. He said that the reasons given for refusal could not be supported.

Having carefully considered the issues surrounding the application, the Sub-Committee approved it.

RESOLVED: That planning permission be granted 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 - 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 horse jump 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 in accordance with approved standards or in consultation and agreement in writing with the local planning authority.

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 previously 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.

Ref. 2
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 Senior Planning Officer reported on amendments to Condition 5 of the report, which would be included in the recommendation.

The Local Member, Councillor B. Hunt referred to Paragraph 5 of the report, and said that the application should be refused for the reasons given by the Town Council. He felt that any reduction in the proposed car parking area would be unacceptable. The Senior Planning Officer said that Condition 4 of the report addressed the relevant parking issues, and in response to a question, he confirmed that the application did not propose an access off Hatton Park, and that deliveries would be taken forecourt area.

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) (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 - Goods shall only be stored/displayed within the shop and not outside.

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**

Ref. 3
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 Senior Planning Officer reported the receipt of correspondence from the applicant's agent, confirming that the proposed access was 4.5 metres wide, and that the space between the buildings accorded with policy requirements, and confirming amendments to plot 5. The Senior Planning Officer reported that planning policy allowed five dwellings off a private drive, although, because the access width was below requirements, two dwellings would be acceptable, and the Council would not maintain the access road.

Some members expressed the following opinions:

- It was felt that the proposal constituted overdevelopment;
- The access presented a road traffic hazard;
- The application would have a detrimental impact on the character and amenity of the area, and would cause some existing neighbouring properties to be overlooked;
- The application site lay within a Conservation Area, and it was felt that the application would not enhance and protect the character of the village.

Councillor J. Stone, the Local Member, felt that the application should be refused on the grounds that it did not accord with policies A1, A54, A24 and A13 of the Leominster District Local Plan. The Northern Division Planning Officer said that a refusal on access grounds would be difficult to substantiate, given that the access served a public house.

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

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

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

2 - B01 (Samples of external materials)

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

- 3 - 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

□

Ref. 4
BRIERLEY
 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**

RESOLVED: 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.

Ref. 5
WHARTON
 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**

RESOLVED: That members hold a formal site inspection to consider the

possible effects of the proposal on the character and appearance of the area.

Ref. 6
LEDBURY
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**

RESOLVED: 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

Ref. 7
LEDBURY
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 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**

The Principal Planning Officer outlined some of the key issues surrounding the application. He reported that the applicants had agreed to remove the dewpond on the site in order to address concerns that had been raised. During the ensuing discussion, the applicants confirmed that the dewpond had already been filled in, and the Principal Planning Officer said that he would include any additional conditions necessary in relation to this.

In accordance with the criteria for public speaking, Mr Higgins, the applicant, spoke in support of the proposal. It was noted that Mrs Taylor, representing Mrs Hughes and Ms Wadley, had registered to speak in objection to the proposal, but had withdrawn because their objections had primarily related to the retention of the dewpond.

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

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

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**

In accordance with the criteria for public speaking, Mr Grover, an objector, was present at the meeting, and reserved his right to speak on the application when it came back before the Sub-Committee for consideration.

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)(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.

Ref. 8
LEOMINSTER
 DCNC2003/2699/F

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 during 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: 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

Ref. 9 and 10

BROMYARD

DCNC2004/0101/F

AND

DCNC2004/0102/C

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

DCNC2004/0102/C – Demolition of walls at same address

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

The Principal Planning Officer clarified that the two letters referred to in Paragraph 5.2 of the report had been in objection, and not support, as stated. She reported the receipt of one further letter of objection from Mr. Grover, re-stating his original objections. She added that further information was awaited in respect of the courtyard area and entrance. She said that Condition 8 of the report would be separated into two conditions.

Members felt that the site should be inspected on all three grounds given in the criteria for site inspections, contained in the Code of Conduct for Members and Officers Dealing with Planning Matters.

RESOLVED: That consideration of applications DCNC2004/0101/F and DCNC2004/0102/C be deferred for a site inspection.

Ref. 11

LEOMINSTER

DCNC2004/0280/O

Proposed site for one single storey dwelling at:

85A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JHFor: **Mrs G H Galvagni of Ongar Street Cottage, Ongar Street, Lingen, Craven Arms, SY7 0EE**

The Principal Planning Officer reported receipt of confirmation from Welsh Water that the foul flows from the property would be to a private system, and no connection to the public sewer would be required.

RESOLVED: 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

Ref. 12
BODENHAM
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**

Receipt of a further representation from the applicant's representative was reported, confirming that the proposal would enable the applicants daughter to attend a local school, and that the applicant still intended to travel. Minor changes to Condition 3 of the report were noted.

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

Some members expressed concern about the development being in open countryside, and felt that it might set an unwelcome precedent.

The Northern Divisional Planning Officer said that the application was permissible under Policy A59.

Members felt that the fence on the site was inappropriate and too conspicuous in this location, and asked that the conditions relating to hedge planning be adhered to as a matter of urgency, in order to mask the fence.

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

- 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 from the date of this planning permission, 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, and that land shall be cleared**

of all caravans and left in an open state.

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

Ref. 13
LEOMINSTER
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**

The Principal Planning Officer reported confirmation from the applicant, that car parking would be available at an early stage in respect of this site. Members felt that it would be necessary to address the long-term pedestrian/highway issues in relation to the site, particularly when the new swimming pool was built.

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

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

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

2 - B01 (Samples of external materials)

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

3 - 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

Ref. 14
KINGTON
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

In accordance with the criteria for public speaking, Mrs Rolls of Kington Town Council, and Miss Booton, the applicant's agent, spoke in support of the proposal. It was noted that Mrs Caldicott, had registered to speak in objection, but was not present during the discussion on the application.

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

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

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

2 - 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

Ref. 15
KINNERSLEY
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

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

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

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

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

Ref. 16 and 17
KINGTON
DCNW2004/0260/F
&
DCNW2004/0261/L

Conversion and change of use from public 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

The Senior Planning Officer reported that Condition 17 in the report would be replaced with standard planning condition E06.

In accordance with the criteria for public speaking, Mrs Rolls of Kington Town Council, spoke on the proposal.

The Local Member, Councillor T.M. James, felt that the application should be refused due to inadequate parking arrangements, and the possible impact that this would have on the surrounding road network. The Senior Planning Officer referred to the issues in Paragraph 6.15 in response. He added that the intrinsic value of the property was an important consideration, and stated that garaging would be inappropriate in this instance, due to its detrimental impact on the listed building. He reminded members that the building could be put to a hotel use without permission, and that this in itself would create more parking problems. He suggested that there was merit in the current planning application because it afforded graded flexibility for parking. He said that the application should be approved, because its relative benefits outweighed the potential parking problems.

Members felt that the site should be inspected on all three grounds given in the criteria for site inspections, contained in the Code of Conduct for Members and Officers Dealing with Planning Matters.

RESOLVED: That consideration of applications DCNW2004/0260/F and DCNW2004/0261/L be deferred for a site inspection.

Ref. 18
PEMBRIDGE
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**

Receipt of the observations of Pembridge Parish Council (no objection) was reported. The Principal Planning Officer reported that the applicant had sought to address the Environment Agency's comments since the publication of the report. A response from the Environment Agency was still awaited, and if the Agency withdrew its objection, reason 3 might need to be removed from the reasons for refusal.

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

Members noted that further information was required in respect of some issues relating to the principles of demolition and rebuilding. It was noted that this principle had wider policy implications, and members agreed that the application should be deferred for further information in this respect.

RESOLVED: That consideration of the application be deferred for further information.

21ST APRIL, 2004

SITE INSPECTIONS

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1 & 2	Rocrest Ltd	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 Demolition of walls at same address	DCNC2004/0101/F DCNC2004/0102/C	29 – 34
3 & 4	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	35 – 46

APPLICATIONS RECEIVED

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
5	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	47 – 70
6 & 7	Tabre Developments	The discharge of the obligation to provide for open space as per Section 106 Agreement at Black Barn Close, Kington, Herefordshire Change of use of play area to domestic garden at same address	DCNW2003/2576/G DCNW2003/1916/F	71 – 74
8	Mr & Mrs C Gurney	Agricultural workers dwelling and integral garage at Abbey Court Farm, Wigmore, Leominster	DCNW2003/3739/F	75 – 78
9	Governors of Staunton-on-Wye Primary School	Site for the building of a replacement primary school on land belonging to Bliss Farm, Staunton-on-Wye	DCNW2004/0080/O	79 – 80

10	HVR Smith & Co	Proposed extensions to existing storage facility to form bulk storage and general purpose grading area at Larksfield, Kimbolton, Herefordshire	DCNC2004/0107/F	81 – 90
11	Messrs M S & E M Patrick	Change of use to a waste transfer station for biodegradable, organic, aqueous, liquid wastes, parking of plant vehicles and equipment, erection of 5 no. tanks and associated earth screen bank, removal of 1 no. existing tank on land at Marlbrook Farm, Marlbrook, Leominster	DCNC2004/0388/N	91 – 102
12	Mr J Bishop	2 storey extension to create a workshop reception area with office above at Bishops of Bromyard, 1 The Bypass, Bromyard, Herefordshire	DCNC2004/0558/F	103 – 106
13	Invert Surveys Limited	Erection of detached dwelling (previous planning permission NC2003/0558/O) at land adjacent to The Knapp, Nodens Lane, Bromyard	DCNC2004/0563/RM	107 – 110
14	Mrs M Pursall	Site for a detached semi-bungalow with garage at Oaklands, Edwyn Ralph, Bromyard, Herefordshire	DCNC2004/0616/O	111 – 114
15	Mr R Clinton	Site for new dwelling adjoining at 17 Lower Westfields, Bromyard, Herefordshire	DCNC2004/0628/O	115 – 118
16	Miton Limited	Demolition of existing dwelling and erection of three new dwellings at Oak Tree Cottage, Wellington Heath, Ledbury, Herefordshire	DCNE2003/3874/RM	119 – 126
17	Coca Cola Enterprises	Extension to existing warehouse at The Springs, Walwyn Road, Colwall, Malvern, Herefordshire	DCNE2004/0539/F	127 – 130
18	Rural Homes	Residential development of 11 dwellings, access, parking and garaging at 26 and 28 Albert Road, Ledbury, Herefordshire	DCNE2004/0703/F	131 – 142

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

2 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.J. Dauncey and B. Hunt

Introduction

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

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 Three letters of representation has been received objecting to the application, from:

Mr. C.J. Grover, Nunwell House, 6 Pump Street, Bromyard (2 letters)
Miss N.M. Oliver & Mr M.A. Jones, Flat 8, 6 Little Hereford Street

The main areas of concern are:

- Unsympathetic and inappropriate impact and 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

- a) the cycle provision and**
 - b) the 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:

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Background Papers

Internal departmental consultation replies.

**3 DCNW2004/0260/F & DCNW2004/0261/L -
4 CONVERSION AND CHANGE OF USE FROM PUBLIC
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 T.M. James

Introduction

This application was deferred at the last meeting to enable a site inspection to be held.

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 20th 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 17th 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:

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Background Papers

Internal departmental consultation replies.

5 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 Members: Councillors R.B.A. Burke and J.P. Thomas

1. Site Description and Proposal

- 1.1 The application site lies on the south side of the u/c 93600 road, approximately 600m, as the crow flies, west of Brierley. The site is rectangular in shape, and flat in nature and was previously used for hop growing. It has a roadside frontage of approximately 180m and stretches for approximately 420m to the northern boundary of approximately 240m, amounting to approximately 8.6 hectares in total, of grades 1 and 2 agricultural land.
- 1.2 The site does not benefit from any special landscape designation, being neither within an Area of Outstanding Natural Beauty, nor Area of Great Landscape Value. The draft Supplementary Planning Guide, Landscape Character Assessment, defines the site as lying within an area of Principal Settled Farmlands, on landscape that is resilient to change.
- 1.3 The scheduled Ancient Monument, Ivington Camp Hillfort, lies approximately 1 Km to the south-west. The rivers Arrow and Little Arrow approximately 1 Km and 0.5 Km to the north. There are a number of public rights of way in close proximity from which the site would be visible.
- 1.4 This application, which is part retrospective, proposes the use of the site as a caravan park for 300 static caravans, initially to house 1000 seasonal agricultural workers, to be employed in strawberry picking. An amenity building is also proposed, which is L-shaped in plan, the 'long' elevations measuring approximately 37m x 55m. The span of the building is 15m. The ridge height measures approximately 4.2m with eaves at 2.5m.
- 1.5 This building comprises a training/cinema room, internet room, library, medical rooms, TV room, office and stores, reception area, shop, kitchen, laundry, sauna, bar and dining area, games area, disco and small gym. In addition, a separate building is proposed adjacent to this, providing changing/shower facilities with further laundry facilities for workers. This building measures approximately 22m x 9.6m, of mono pitch design, the highest element of which measures 4.5m.

- 1.6 Both buildings are steel framed and proposed profile steel sheet cladding and roof.
- 1.7 Additional facilities include a small outside pool of 12m x 6m, and a football pitch and volleyball courts in the south-west corner of the field. A further lavatory block is proposed in this location. All caravans are to be plumbed to the proposed sewage treatment plant in the adjoining field, subject of a separate application. The caravans are located in hardstandings and served by either 4.5m or 3.5m access roads. A 2.5m galvanised chain link fence is proposed around the perimeter of the site, under the existing hedgeline. Landscaping is proposed.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2(D) – Settlement hierarchy
- A6 – Sites of local importance for nature conservation
- A7 – Replacement habitats
- A9 – Safeguarding the rural landscape
- A12 – New development and landscape schemes
- A13 – Pollution control
- A14 – Safeguarding the quality of water resources
- A15 – Development and watercourses
- A16 – Foul drainage
- A22 – Ancient Monuments and archaeological sites
- A23 – Creating identity and an attractive built environment
- 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
- A41 – Protection of agricultural land
- A43 – Agricultural dwellings
- A54 – Protection of residential amenity
- A58 – Mobile homes
- A68 – Water supply
- A70 – Accommodating traffic from development
- A78 – Protection of Public Rights of Way

2.2 Hereford and Worcester County Structure Plan

- H20 – Residential development in open countryside
- RC1 – Use as full-time homes
- RC2 – Locational requirements
- CTC9 – Development criteria
- A1 – Development criteria

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

- S1 – Sustainable development
- S2 – Development requirements
- S7 – Natural and historic heritage
- DR13 – Noise

DR14 – Lighting
H8 – Agricultural and forestry dwellings and dwellings associated with rural businesses
H11 – Residential caravans
E10 – Employment proposals within or adjacent to rural settlements
E11 – Employment in the countryside
E13 – Agricultural and forestry development
E15 – Protection of Greenfield land
T8 – Road hierarchy
LA6 – Landscaping schemes
Arch 3 – Scheduled Ancient Monuments
CF2 – Foul drainage

2.4 Planning Policy Guidance Notes

PPG1 – General Policy and Principles
PPG7 – The Countryside – Environmental Quality and Economic and Social Development
PPG9 – Nature Conservation
PPG15 – Planning and the Historic Environment
PPG16 – Archaeology and Planning
PPG18 – Enforcing Planning Control
PPG24 – Planning and Noise
PPG25 – Development and Flood Risk

3. Planning History

- 3.1 NC04/0902/F - Proposed sewage treatment plant and pumping station, received 25 March 2004, on adjoining field. Undetermined.
- 3.2 NC04/0557/S - General purpose storage building adjoining field. Prior Approval required 26 March 2004.
- 3.3 NC04/0224/S - Construction of new roads (from Arrow Fishery to site, across adjoining fields). Prior Approval Not Required 6 February 2004.
- 3.4 NC2004/0551/H – Remove 10 metres of Hedgerow – on land opposite side of road.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: ‘The site lies within the Agency’s Indicative Floodplain. However a satisfactory Flood Risk Assessment (FRA), as undertaken by JBA Consulting, was recently submitted by Dossor Blackham to the Agency’s Flood Defence team. This confirmed that the site is outside of the flood risk area.

On the understanding of the above, the Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

CONDITION:

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 to the system.

REASON:

To prevent the increased risk of flooding.

'The Agency has no objection in principle to the proposed siting of caravans (in the area edged red), however the access is located within the 1 in 100 year floodplain, as shown on the JBA Consulting details (Fig. 3.1b). The Agency are on the understanding that this access is being constructed under permitted development rights, rather than constituting a new form of construction as part of the proposed development.

Under these circumstances, the Agency would not object to the use of that access so long as the "existing highway" access, as shown on drawing 0101/B, as submitted with the application, through the village of Brierley is also available to site occupants (even if only during periods of flood warning).'

'I would like to confirm that the Agency's Environmental Management team have had initial discussions with the applicant/agent who proposed to apply for S101A first time sewerage for the village with a view to connecting in this development. In the meantime, a temporary package treatment plant system is proposed to discharge to the Little Arrow and it is understood (through discussions with the LPA) that this may involve the submission of amended plans (or a further planning application).

The Agency ask that the LPA pursue the option of a connection to the mains foul sewer, in line with Planning Circular 3/99 - Your attention is drawn to point 3, which states that "when drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage into a public sewer" ... Only "If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the LPA that connection to the public sewer is not feasible, a package sewerage treatment plant incorporating a combination of treatment processes should be considered ..."

If the LPA are content not to confirm the foul drainage proposals, before determining this application, it is recommended that the condition requiring the use of a treatment plant is amended, as follows, so that the development should connect to the mains foul sewer with temporary use of a treatment plant (unless otherwise previously approved in writing by the LPA). Details of a phased foul drainage scheme should be required for approval before the commencement of development and thereafter implemented in accordance with the approved details.'

- 4.2 River Lugg Internal Drainage Board: 'We are in receipt of the above application and it is noted that foul water is to be directed to a package treatment works, which will eventually outfall into an open watercourse. The Council will need to be satisfied that the treatment works satisfy the Environment Agency and your Council, and that discharge complies with the appropriate legislation.

Discharge is likely to be into open watercourses within the Drainage Board's district. The developer will be required to obtain a consent from the Drainage Board for works affecting any watercourse within their district.

The applicant states surface water is to be to the existing land drainage system. The developer will be required to confirm that surface water is to be directed to a soakaway system. When doing so, your Council will also need to be satisfied, by obtaining percolation test results from the developer, that a soakaway system at this location will be effective.'

- 4.3 English Heritage: 'The area of the proposed development does not impact on any areas designated as Scheduled Ancient Monuments. For the purposes of the Act, however, the site of a monument includes not only the land in or on which it is situated but also any land comprising or adjoining it which appears to the Secretary of State to be essential for the monument's support and preservation.

The proposed development is very large, especially within the context of the essentially rural nature of the area, and will have an impact upon the setting of the major Scheduled Hillfort of Ivington Camp.

Although it is difficult to place the overall development from the information supplied, I estimate that the proposed development location is over one kilometre from the nearest part of the hillfort. I also note that the development would be at least partially screened from the hillfort by Brierley Wood which extends to the north-east of the monument. These two factors would go some way towards mitigating the visual impact of the proposed development upon the setting of the monument.'

In addition, they recommend a pre-determination archaeological evaluation.

Internal Council Advice

- 4.4 Chief Conservation Officer:

Landscape:

'The application site is a large, rectangular flat field previously used for hop growing. it lies in an area of intensively farmed, flat, fertile land much of it now under polytunnels.

The site lies just outside an Area of Great Landscape Value, to the north of Ivington Camp, from where it can be readily viewed. A mature hedge borders the site on all sides although along the western boundary, in particular, it is very "gappy" consisting in part of little more than a row of birch trees.

The development to create a large caravan park with ancillary buildings and other facilities will introduce a very large built element within the open countryside. Generally, because the land is flat, the development will be unobtrusive from the north, east and west. However, the view from the public footpaths at Ivington Camp will be significantly affected. Although the impact of the development could be softened by tree planting, the topography renders it impossible to provide effective screening.

I would recommend that the applicant is required to provide a visual impact assessment, followed by a landscape design which addresses the screening issues. The landscape plan that the applicant has provided is inadequate. It does not address the screening issues or provide sufficient details to be meaningful.'

Archaeology:

'The archaeological evaluation at Brierley Court is now effectively complete on the ground. There will of course be a short delay while the archaeological contractors, Border Archaeology, prepare their report.

However, having monitored the work on a number of occasions, I am now in a position to make some provisional and informal comments on what the evaluation has revealed (please note these are without prejudice to my further formal comments when the report is available).

As anticipated, there are significant below ground archaeological remains on the site. It would appear for instance that along the mid-western part of the site there are the peripheral remains of a Romano-British farmstead or similar. Some interest has also been revealed towards the south-eastern corner, again Romano-British in date. I should shortly be able to provide you with an approximate plan of these areas of interest.

It would appear however that other parts of the site have only limited archaeological potential. In the circumstances, I would currently regard a potential refusal for archaeological reasons alone as difficult to sustain.'

It would appear that further investigation is required, following on from the initial investigation. This can be secured by imposition of a condition.

Ecology:

'As the site has been intensely farmed, the ecological value of the land is low, except for the hedgerow and ditch network around the site. The hedgerow is in poor condition and is very 'gappy' in many locations and contains a number of rabbit burrows.

Therefore I recommend that a landscape and nature conservation management plan for the site should be submitted to and approved in writing by the local planning authority before implementation. The plan shall cover general proposals such as

- wetland habitat enhancement utilising the ditches along the boundary
- conserve and enhance the hedgerow pattern and strengthen the patterns of tree cover.

4.5 Head of Engineering and Transport is considering the proposal in light of additional information contained in the Supporting Statement. Matters to be considered include:

- the highway crossing
- traffic generation
- signing/routing agreements
- sustainability
- access to the B4361

4.6 Head of Environmental Health and Trading Standards comment as follows:

"Schedule I Paragraph (7) of the Caravan Sites and Control of Development Act 1960, provides exemption for the need of a site licence for a caravan site where it is situated on agricultural land for use by agricultural workers on that land during a particular season. It would appear from this that the proposed site at Brierley Court may be exempt from Site Licence requirements and I am sure the applicants will agree. However, Paragraph 13 of the same Schedule allows the enforcing authority to apply to the Minister for the exemption to be removed. I am unable to give a definite answer at this stage as to whether a site licence will be required. Importantly the proposed site will be a permanent site and not for a particular reason. Regardless of whether a site

licence is required, however, I recommend that the model standards be met. I confirm that I have no objection as regards the proposal. Should noise nuisance occur from unacceptable behaviour by site residents e.g loud music from discos, powers are available under the Environmental Protection Act 1990 to control the nuisance. Controls however would not be available as regards any increase in disturbance to local residents due to normal day to day comings and goings etc.”

4.7 Public Rights of Way: No objection.

5. Representations

5.1 Leominster Town Council: Recommends refusal for a series of reasons, summarised below:

- 1) Impact on visual amenity.
- 2) Scale of development and number of employees out of proportion with the immediate area, constituting over-development. Appears to be more workers than land would support.
- 3) Noise and light pollution.
- 4) Disturbance to immediate neighbours.
- 5) Fire hazard to crops on adjoining land.
- 6) Even with internal road network, public highway inadequate.
- 7) Unsustainable pressure on Emergency Services
- 8) Concern about use outside of cropping season.

The reply goes on to list a number of policies with which the proposal conflicts.

5.2 Hope-under-Dinmore Parish Council: Supports residents of Ivington, Newtown, south-west Leominster and Aulden in their objections:

- loss of grade 1 and 2 agricultural land
- visual impact
- water supply
- noise/light pollution

5.3 Ford & Stoke Prior Parish Council: Objects to the scale of development, having a deleterious effect on local countryside, population and amenities. Concern about use beyond picking season. Suggests any permission be limited to 3 years, and no use of facilities beyond that of seasonal workers.

5.4 Leominster Civic Trust: Consider that the site lies within an Area of Great Landscape Value and Landscape Least Resilient to Change, and oppose the application as inappropriate in such an area, at the foot of Ivington Camp:

- substantial visual impact on Brierley, contrary to policy
- visible from Cockcroft, damaging tourism, thus unsustainable.

They consider that if minded to approve, should be called in.

5.5 CPRE: Detrimental impact on landscape, within Area of Great Landscape Value, and Landscape Least Resilient to Change. Adverse impact on character of Brierley and surrounding area.

5.6 Green Party: Object to industrial nature of the enterprise, unsightly spread of polytunnels and volume of traffic.

5.7 35 letters of objection have been received to date from or on behalf of addresses in Ivington, Cockcroft, Aulden, Knapton Green, Newtown, Elms Green, Hope-under-Dinmore, Leominster, Birley, Hereford and one from further afield. A letter has also been received from the agent for Arrow Valley Residents Association.

The objections are summarised as follows:

1. 300 equals approximately 2000 employees.
2. No expectation to connect to main sewer.
3. Retrospective elements of application.
4. Contrary to aims of promoting tourism.
5. Questions Home Office scheme.
6. Information on growth of market contrary to other evidence - Stewart Stubbings to Hereford Council 29.3.04.
7. Disturbance through early start to working day.
8. General questioning of supporting statement.
9. Refusal to employ local pickers.
10. Determination should await decision on S.T.W.
11. Are workers at Brierley being used at Marden?
12. Decision should await polytunnel procedure.
13. Proposal contrary to policies set out in supporting statement which purports in support.
14. Brierley residents only support proposal since the alternative would be worse, located in the centre of Brierley.
15. Other farmers have hired workers from S & A Davies. They should be banned from doing so.
16. Benefit to Herefordshire is minimal.
17. Highway safety issue.
18. Other options were available - not to carry out unauthorised development.
19. Development within floodplain.
20. Seasonal workers cause trouble in town.
21. Very few local employees.
22. Serious deleterious effect on village and surrounding environment.
23. Pollution - light/noise including refrigeration equipment.
24. Chain link fence unsightly.
25. Could be located on Leominster Enterprise Park.
26. What use of caravans outside of picking season?
27. Industrial scale of development out of keeping with traditional mixed farms of Herefordshire.
28. Pickers should be bussed from Marden or brownfield site such as Moreton Camp.
29. Emergency services/social services overstretched.
30. Loss of countryside which should be protected for its sake - PPG7.
31. 1000 pickers more than enough to pick 250 acres of strawberries.
32. Given intensive nature of strawberry growing cultivation will have to stop in a few years and need for caravans will cease.
33. Contrary to Policies A1, A2D, A9, A25, A41, A43, A54, A70, DR13 and DR14.
34. Impact on visual amenity, including from public footpaths and Ivington Camp.
35. Farm workers' accommodation was never meant to be on this scale.
36. A list of mitigation action has been submitted by the adjoining landowner.
37. Application should have been subject to Environmental Impact Assessment.

- 5.8 Many of these letters also referred to matters beyond the scope of the current application, including:
- housing on the former hopyard site
 - reservoir
 - agricentre
 - polytunnels
 - use of toxic chemicals to sterilise soil
 - covering land in black plastic
 - irrigation
- 5.9 A petition of 283 signatures was received on 9 March objecting to the proposal.
- 5.10 Additionally, a further petition with 70 signatures was received on 19 March urgently requesting that Hereford Council take out an immediate Injunction against S & A Davies Ltd to halt unauthorised works at Brierley Court.
- 5.11 Representations have also been received from addresses within Brierley. These included initial objections and concerns, many of which have now been overcome following further consultation with the applicant. The main points being that the assurances given by the applicant should form the basis of a Section 106 legal agreement, and that given the alternative of an 'uncontrolled' permitted development fall back available to the applicant, a controlled operation is preferable.
- 5.12 In addition, a letter has been received from the Brierley Residents Committee, received 10 March, signed by 20 residents. This includes references to the assurances given, and again a request that they form part of a Section 106 legal agreement. These assurances relate to proper management of the site, a plan of operation with the Police (including 10 min response); measures to minimise noise and light pollution, from both accommodation and operational activities, indigenous trees and hedging around perimeter to disguise chain link fence, and to hide new roadway, no more employees accommodated than those needed to farm the strawberries growing at Brierley Court Farm; signs stating Access Only, no S & A vehicles permitted.
- 5.13 In support the applicant has latterly submitted a statement explaining the proposal. Receipt of this was notified to objectors (sent on 1 April, with comments to be back by 16 April).

The statement includes information on the profile of the company, Brierley Court Farm, the economic case for development, the proposals themselves, reference to policy issues, the consultation carried out and a comment on the premature commencement of development. The document is too lengthy to include in its entirety even as an appendix. Section 6, The Development Proposals, is however attached as an appendix.

Set out below is a summary of the remaining chapters.

1. The S & A Group operates (1) through S & A Produce (UK) Limited which delivers quality soft fruits to households countrywide via the major supermarkets having graded and processed and packed the fruits through its own uniquely designed automated packhouse and (2) through S & A Soft Fruit Limited which prepares and plants and nurtures and picks the strawberry harvests and presents them to S & A Produce (UK) Limited for onward sale to the consumers.

2. S & A Produce (UK) Limited has invested approximately £4.8 million in buildings and machinery and packhouse technology at Marden.
3. Under the Home Office Seasonal Agricultural Workers Scheme (SAWS) the S & A Group have been selected and appointed as an authorised manager of immigrant workers. This planning application is directly related to the expectation of the Home Office for the integrated and total management of workers under SAWS under appropriate conditions and standards.
4. The S & A Group is based in Marden, Herefordshire and employs in Herefordshire 130 permanent local employees earning gross approximately £3.2 million.
5. The S & A Group contributes approximately £8.4 million directly into the Herefordshire local economy by purchasing supplies and services from local sources.
6. The S & A Group promotes a strategy of rejecting casual itinerant unauthorised callers for occasional labour to avoid any risk of chaos on their sites. This is a most important facet of the operational strategy of S & A Group as this strategy avoids the consequences of new European Union accession country citizens becoming speculative and uncontrolled labourers seeking casual work.
7. The site for the student seasonal workers accommodation caravans and the associated amenity centre is set out in a field known as West Field of approximately 18 acres and positioned to the west and as far from the hamlet of Brierley as land ownership and flood plain constraints allows.
8. The strawberry plantations at Brierley for 2004 will require 1000 workers to pick and increased acreage in future years will require additional numbers. The essential crucial supply line of seasonal workers has required S & A Group to develop a reputation and skill in the selection and management and entertainment of their immigrant work force.
9. S & A Group has participated in several years of discussions with the UK Government Home Office and DEFRA and the NFU and other specialist associations to design a programme for the management of immigrant seasonal agricultural workers. The S & A Group programme is approved by the Home Office and is cited as an example and model for other applicants.
10. Without reliable supply lines of seasonal labour the sustainability of the business would be in doubt. The new European Union accession countries from 1 May 2004 will be able to offer their free roaming citizens for work in the UK but these workers who can leave at their own discretion, as well as arrive when they want, are not the dedicated incentivised agricultural students which are preferred by the S & A Group.
11. There was not a single complaint received from the village of Marden during 2003 arising from the presence or behaviour from any of the 900 students on site.
12. One key feature of this relationship is the accommodation and proximity to the place of work. Picking can start early in the morning. Picking can start on short notice. Picking is subject to prevailing weather conditions. Picking is not good if

the weather is too hot and the crop is easily crushed. Students have come to pick and want to use their time profitably. All these reasons combine to require the accommodation units to be near to the place of work.

13. If any picker transport in/out for casual irregular seasonal pickers was necessary the traffic movements would be colossal and have serious adverse effect not only on the road network and neighbourhood and environment generally but also on the efficiency and effectiveness of the pickers and their performance.

14. The linkage between the strawberry fields and the campus and the amenity centre on the same integrated cohesive site enables the benefits of living and working on site to be maximised, and the severe disadvantages of distant or scattered accommodation units to be avoided.

15. DEFRA AND FARMING as taken from the DEFRA website 15 March 2004:

“The Government’s policy is to secure an environment in which a competitive and sustainable agricultural industry with a strong market orientation can flourish.”

“The British food and farming industries must respond to the demands of consumers for food of the highest quality, meeting the diverse needs of diverse people.”

“The strategy for sustainable farming and food ... the food chain ... the whole chain is faced with the constant need to adapt to changing circumstances and become more efficient. Increasingly, businesses are competing in a global market and the consequent demands for cost reduction are felt the length of the chain from retailers and caterers to wholesalers and processors and ultimately to farmers and growers ...”

16. PPG7 THE COUNTRYSIDE:

C10: “Although featuring the issue of glass house development the stated comment on horticulture is relevant to this application ...The UK faces intense competition from overseas growers and it is important that the horticultural industry is not held back by over-restrictive approaches to developments which could be sited without detriment to the surrounding area.”

C12: “The Government attaches great importance to encouraging new sources of jobs and services in rural areas and maintaining a strong agricultural and horticultural industry.”

Annex I.1: “One of the few circumstances in which isolated residential development in the countryside may be justified is when accommodation is required to enable farm or forestry workers to live at or in the immediate vicinity of their place of work.”

17. S & A Group have conducted consultations with a variety of special interest groups and offered opportunities to discuss and to visit the sites at Brierley Court and at Marden.

18. These consultees include neighbouring landowners Pryce and Taylor and Duggan and Leighton and Greene all of whom have indicated at one time an

acceptance or tolerance of the scheme subject to some suggestions of some details.

19. More regular discussions have taken place with individual residents of the hamlet of Brierley and the Brierley Residents Association. Apologies have been tendered when damage has been done to a private verge by lorries and remedial arrangements put in place. Lorry delivery times have been structured to avoid clashes with local school runs. The Brierley Residents Association are understood to have petitioned supporting the application.
20. S & A Group participated in the public meeting convened by residents of the village of Ivington held at the Royal Oak, Leominster, on 12 March 2004 and a meeting convened in Ivington on 26 March 2004.

The essence of the objections from these meetings was

- a) criticism of premature development
- b) criticism of intensive strawberry farming
- c) criticism of the impact of polytunnels

It should be noted

- a) Without the development of the caravan site and amenity centre there could be no appropriate controlled management of pickers and their accommodation and containment and transport and entertainment under the Home Office approved SAWS scheme.
 - b) That strawberry farming is an approved and permitted agricultural land use and one which is encouraged by consumers – Herefordshire has several intensive strawberry farms.
 - c) The impact of polytunnels is a matter of current and continuous review by Herefordshire Council and the other Councils. Herefordshire and elsewhere has many many acres of existing polytunnels.
21. S & A Group started the development, the subject of this application, before planning permission was granted. Such premature development has upset certain members of the public who expressed their dismay both to the media and at the public meeting. S & A Group accept the rebuke and tender by way of explanation the need to commence the development in order to ensure the minimum disruption and distress to the community by the operation of the farming activities when seasonal workers arrive on 1 May 2004.
 22. The business imperative arises out of the unexpected opportunity to buy the Brierley Court farm when marketed in May 2003. The envors insisted on exchange of contracts before their year end of end June and completion at the end of July. The growing hops could not be harvested until end of September 2003.
 23. Only with the completion of the hop harvest could certain essential ground surveys be undertaken.
 24. Those essential preliminary surveys and their results then had to be shared with and approved by the Environment Agency and by Welsh Water.

25. A planning application could not be lodged until the chosen site had been selected and surveyed and because of sewerage factors the associated issues of ground conditions and gradients have been resolved.
 26. The need for seasonal workers starts on 1 May 2004.
 27. If the site and centre were not built then the Home Office SAWS scheme based on carefully selected students and standards of accommodation would fail.
 28. There was no alternative but to start premature development and to comply with the SAWS scheme. S & A explained the position to those most personally affected in Brierley and to the Planning Officers. Brierley accepted the position as being in their best interests. The Planning Officers correctly advised that any premature development was at the developer's risk of a refusal by the Planning Committee.
- 5.14 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 application and more particularly the commencement of development has been the source of much concern and debate. Members will be aware of the requirement to determine the application on its merits, taking into account planning policies and material considerations, and not to be swayed by the unauthorised development to date.
- 6.2 Notwithstanding the above, it would be useful at this juncture to set out the position vis-à-vis permitted development.

Part 5 of The Town and Country Planning (General Permitted Development) Order 1995 states:

Class A Permitted Development

A. The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A2.

"A1 Development is permitted by Class A subject to the condition that the use shall be discontinued when the circumstances specified in paragraph A2 cease to exist, and all caravans on the site shall be removed as soon as reasonably practicable.

A2 The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

Permitted Development

B. Development required by the conditions of a site licence for the time being in force under the 1960 Act.

The relevant section of The Caravan Sites and Control of Development Act 1960 states:

"7. Subject to the provisions of paragraph 13 of this Schedule, a site licence shall not be required for the use as a caravan site of agricultural land for the accommodation during a particular season of a person or persons employed in farming operations on land in the same occupation.

8. Subject to the provision of paragraph 13 of this Schedule, a site licence shall not be required for the use of land as a caravan site for the accommodation during a particular season of a person or persons employed on land in the same occupation, being land used for the purposes of forestry (including afforestation).

Paragraph 13 sets out that 'The Minister' may withdraw any of the listed exemptions.

- 6.3 Consequently, if it were the intention to remove the caravans at the end of the season, they would constitute permitted development. Class B permits development required by conditions of a site licence, this could include such things as infrastructure, hard standings, toilet facilities, etc. However, as the 1960 Act states that 'a site licence shall not be required ...' it may be argued that Class B does not come into play, and thus all work for infrastructure etc. does not then fall into the category of permitted development.
- 6.4 The definition of agriculture at Section 336 of The Town and Country Planning Act 1990 includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
- 6.5 As part of initial discussions about the proposal consideration was given to the need for an Environmental Impact Assessment. It was determined that the proposal did not fall into any of the categories of development contained in The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, requiring such an assessment.
- 6.6 The list of policies set out earlier in the report is a measure of the number of different issues which are relevant in determining an application of this nature. A number of those policies relate to 'technical' issues such as drainage, to which there are technical solutions which can be required by condition. In determination of this application the main issues would appear to be the impact on visual amenity and character of the area, including upon the Scheduled Monument, the justification for residential accommodation in the countryside, highway safety, and the impact upon amenity of nearby residents.
- 6.7 The site is not located within an Area of Great Landscape Value or Landscape Least Resilient to Change as suggested in some of the representations. The landscape is characterised as Principal Settled Farmland: a landscape that is resilient to change. Of concern in these locations is the degradation and loss of hedgerows and intensification of farming practices resulting in a simplistic visual uniformity as landscape character is eroded. In this instance, the site for the caravan park is within a former hop field. It has not been necessary to remove hedges to achieve a site of this size. Whilst the proposal is necessitated by intensive agricultural practice it is not of itself such an activity.

- 6.8 It is inevitable that a proposal of this scale, in a location crossed by public rights of way, and elevated viewpoints, will be visible from a relatively wide area. However, other than within the immediate locality, the site is not visible from longer distance views, and cannot be seen from the B4361. A landscaping scheme has been included which has been subject to criticism from the Council's landscape officer. There is scope, however, for additional planting to soften the impact more than currently shown.
- 6.9 English Heritage have commented on the proposal, but do not recommend refusal on the impact of the site upon the setting of the Scheduled Monument, Ivington Camp.
- 6.10 Lying in open countryside, the justification for residential accommodation relies on criteria (i) of Policy A2(D) of the Leominster District Local Plan, i.e.

It is necessary for the efficient running of agricultural or forestry enterprises, and meets the criteria laid down in Policy A43. Policy A43 relates to agricultural dwellings.

The applicant has advised that 1000 pickers will be required in the first season with increased acreage in future years requiring additional workers. As currently proposed, the application provides for 3-4 workers per caravan. There is no alternative accommodation available either at Marden, or within Leominster, for this number of workers, even if daily transport was a sustainable option.

- 6.11 In order to reduce the volume of traffic through Brierley itself an internal farm road is being constructed, with access via the Arrow Fishery, to a point close to the site where it crosses the unclassified road between Brierley and Ivington. Had it not been for this road, the traffic implications would have been far more important.
- 6.12 The impact of the proposal upon amenity of local residents appears to have been assuaged, as far as Brierley residents are concerned, through the operation of the Home Office SAW Scheme, and the assurances provided by the applicant. It is understood that these do not necessarily overcome the concerns of other respondents. Pollution related issues can be controlled by condition and the Environmental Protection Act.
- 6.13 An archaeological evaluation has been undertaken, and whilst the final report is not available at the time of preparing this report, it is understood that there are no grounds for refusal.
- 6.14 If it is considered that the case for 300 caravans, accommodating 1000 seasonal workers initially is not made, then clearly the proposal would be contrary to Policy A2(D). If it is accepted that there is justification, it must be weighed against the impact upon visual and local amenity, together with other policies and material considerations. How much weight to give each element is a matter of individual interpretation.
- 6.15 Your officers consider that a sufficient case has been made to justify 300 caravans, moreover that the balance of considerations, including the fall back permitted development situation, which could see caravans, if not all 300, on site for up to 9 months, and policies and other guidance is such that a temporary permission for the caravans is acceptable. The permanent amenity buildings could not reasonably be so conditioned.
- 6.16 Reference has been made to the need for a Section 106 agreement. Given adherence to the applicant's own management arrangements and connection with Home Office

SAWS, this is not considered necessary. It is considered that a condition can cover the relevant points.

6.17 A suggestion has been made that if Members are minded to grant permission they will first need to refer the matter to the Secretary of State. The requirements are set out in Circular 19/92. The agent for the objector has been advised that such consideration will have to be given, that it will be a matter for Committee as to whether or not the application is contrary to policy, based on what weight is given to particular elements of the consideration. The Circular sets out the criteria should such a decision be required:

- “a) development which consists of, or includes the provision of
 - i) more than 150 houses or flats, or;
 - ii) more than 10,000 square metres of retail floor space;
 - iii)
- b) development of land of an interested planning authority, or for the development of any land by such an authority, whether alone or jointly with any person; or
- c) any other development which, by reason of its scale or nature or location of the land, would significantly prejudice the implementation of the Development Plan’s policies and proposals ...”

Your officers do not consider that the criteria are met, regardless of the decision.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E23 (Temporary permission and reinstatement of land (mobile home/caravan)) (5 years)**

Reason: The local planning authority is not prepared to permit a residential [caravan] in this location other than on a temporary basis having regard to the special circumstances of the case.

- 2 - The occupation of the caravans shall be limited to persons employed in agriculture at Brierley Court Farm, under the Home Office Seasonal Agricultural Workers Scheme, or equivalent, unless otherwise previously agreed in writing by the local planning authority.**

Reason: Planning permission has only been granted given the farming requirements of Brierley Court Farm.

- 3 - Before any of the caravans are occupied details of the proposed means of foul drainage shall have been submitted to and approved in writing by the local planning authority, and shall be available for use. Any connection to a treatment works other than the mains shall be for a temporary period not exceeding 3 years from the date of this permission.**

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

- 4 - B01 (Samples of external materials) (No further development ...)**

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

5 - D03 (Site observation - archaeology)

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

6 - F14 (Time restriction on music) (delete 'in the premises', insert 'on the site')

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

7 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

8 - G04 (Landscaping scheme (general)) (No further development ...)

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

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

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

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - G10 (Retention of trees)

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

12 - Highway conditions

13 - Operation in accordance with management procedures set out in attached document.

Reason: In the interest of amenity.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

6....DEVELOPMENT PROPOSALS

1. (1) Roads. Robert West/Dossor Blackham Civil and Structural Engineers have been appointed as consultants to the project and have carried out or commissioned a series of studies on the site and adjoining properties to survey and then design and specify the construction of the new road infrastructure to the site using the existing adequate access point from the old Leominster Hereford public highway into the fish ponds complex operated by Ray Taylor along the edge and across a field farmed by Alan Pryce into the Brierley Court farmlands on a route line respecting the results of the flood plain survey approved with the Environment Agency.
- (2) The new internal farm road is directed to the Brierley/Ivington minor public highway and cross over to service the southern sector of the farm. By the expensive infrastructure of this new farm road the development is able to ensure that the traffic generated bypasses the hamlet of Brierley.
- (3) The quality and quantity of the internal road network is to preserve and protect the strawberry crop from excessive disturbance and damage during the transfer from picking trolleys to transport lorries.
- (4) When Brierley Court was being used as an intensive hop farm all traffic had to pass through and back again through the hamlet of Brierley.
- (5) Landscaping and screening will be planted to remove the visibility of the traffic from houses at the eastern end of the hamlet of Brierley where the contours of the fields expose the new estate road.
- (6) (a) Lorries to serve the site for delivery of plants and collection of fruits will be 13.5 metres long and authorized to carry 44 tonnes.
- (b) Lorries delivering plants are refrigerated as the plants are delivered frozen and have to be thawed.
- (c) Lorries carrying picked fruit carry only 6.5 tonnes even fully laden as picked strawberries have higher volume to weight ratio than frozen plants – and are also refrigerated.
- (d) Transport movements are monitored by the Transport Manager.

- (e) Time between planting delivery and picking collection is approximately on 60-70 day cycles between April and November.
 - (f) Brierley Court cropping for 2004 is estimated at 200 planted acres at about 15 tonnes per acre (80 hectares) producing 3000 tonnes and therefore some 450 related lorry movements over about 150 day harvesting season (June-November). Traffic movement is linked to picking results. Subject to crop conditions a picker can pick 100 kilos per day. More picking more traffic but fewer days.
- 2.
- (1) Sewerage. Robert West/Dossor Blackham Civil and Structural Engineers have been appointed as consultants also to this aspect of the development and have carried out or commissioned a series of studies on site and adjoining properties to survey and then design and specify the construction of the new internal sewerage systems.
 - (2) This part of the project has necessitated consultations with the Environment Agency and with Welsh Water and contour surveys for discovery of gradients and trial pits for soil analysis and discussions about the prospects and problems of obtaining access to the mains sewer and having the system adopted.
 - (3) There are prospects currently under active consideration as required by the Environment Agency for a system which might be capable of connection to the mains sewer. Pipeline capacity is full. Direct connection to the sewerage treatment plant is proposed south of Leominster provided always consent is obtained from relevant adjoining landowners and Welsh Water and its agents.
 - (4) Meanwhile the sewerage system to service the development has been commissioned from Hydroserve and its specification assessed by the Alan Williams Consultancy.
 - (5) Installation will be by local contractor David Lowe with input from other local specialists including electricians.
 - (6) The consent to discharge the cleaned treated water is under review pursuant to application to the Environment Agency.
 - (7) The residual sludge will require regular periodic removal by local contractors.
 - (8) During the winter season when the seasonal workers will not be on site the plant will still require maintenance and attention from the service crew.
- 3.
- (1) Crops. The S&A Group will be planting 20 million plants each

developed and designed mainly in Holland to produce 0.5 kilos of fruit and so a maximum output of 10 million kilos or 10000 tonnes.

- (2) This cultivation programme requires careful coordination of the many and various several separate and yet interlocking features of such extensive crop growing.
 - (3) Crop management precludes the use of certain chemicals and consumer buyer groups require traceability so that the farming policies and practices are deemed best practice. For example the farm does not and has not used methyl bromide despite suggestions to the contrary.
 - (4) Crop management and soil husbandry promote a programme of cultivation followed by rest and break crops.
 - (5) A variety of plants are used depending upon a number of factors including availability and market demands. Some plants have one flower and some continuously flower. Some are ready to harvest in June others at different times. Some plants have one year yields others 2 or 3 or 4 year yields. If crops are of one year this means 6 months growing and 6 months the ground is unused. If multiple year cropping plants are used then there has to be a minimum 12 months break. The break crops are usually Mustard which is ploughed back and not harvested and therefore "green manure" or wheat in the IACS system which is harvested. The percentage under cultivation and the percentage in break crop varies from year to year and factors which govern the farming decisions. Part of the farm under the woods will be kept in grass or in crops which can be combined. The farm as a whole therefore will be part grass, part combinable crops, part break crops and part strawberries of different varieties.
- 4.
- (1) Irrigation. The water management is currently under the permitted trickle irrigation scheme. Changes to the regulations in water management will encourage the creation of water catchments systems including the building of a reservoir to capture the winter flood waters. Several millions of gallons of water are required for this crop which is 95 % water!!
 - (2) Future water management systems will mean the reservoir being built and the gravel deposits excavated.
 - (3) Another advantage of the new internal farm roads is that those roads will be able to transport the gravel without disruption to the narrow road serving Brierley/Ivington which would otherwise be the case. The eventual reservoir is estimated to be about 30 acres.
- 5.
- (1) Accommodation Campus and Amenity Centre. BGP McConaghy Architects have designed and presented the application for the caravan site and amenity centre and association infrastructure of

sewerage and roads adjacent to the crossing of the public highway together with landscaping features.

- (2) The configuration and facilities for the Centre are based on the experience acquired by the S&A Group from operating similar sites at Marden and Kent. The Marden site which at its peak houses some 900 student pickers has provided particularly valuable precedent of the needs for such a Centre.
- (3) The internet cafe and recreational rooms and play rooms and the swimming pool as well as the sports fields and other amenities for medical clinic and washing and laundry enable this campus and Centre to operate as a focal point for the student pickers.
- (4) Educational classes for those studying English as a second language and entertainment in the cinema add to the resources provided for the student pickers.
- (5) Also transport is provided for their trips on special outings and regular visits to nearby towns. Cars are forbidden. One student only brought a car to Marden. He was sent home. This and other codes of conduct are strictly enforced.
- (6) An application is being processed for a Licence to sell alcohol as has been granted at Marden.
- (7) There is no intention to use or convert the use of the caravan site and amenity centre into a tourist or holiday caravan site with associated facilities during the off season of winter.
- (8) An archeological evaluation has been commissioned after consultation with and at the request of the Council Archeological Department. Some pottery pieces have been found.
- (9) The management of the activities of the caravan site and of the amenity centre will respect the concerns of the nearest neighbours to ensure that neither light nor noise pollution become sources for complaint.
- (10) The lighting will be at the lowest safety level in terms of brightness and height.
- (11) Noise will be controlled by restricted hours for the use and enjoyment of the amenity centre and by ensuring that only the amenity centre is the location for social events. This will be in accordance with the Marden model which seems to be successful in the absence of complaints to the contrary and the residents of Marden are closer to the site than the equivalent residents at Brierley.

- (12) In the event of crop and business failure despite best efforts to the contrary several options will present themselves. The owner and operator dismantles the caravan site and amenity centre. The owner sells to a third party to operate the strawberry farm or alternative crop. The local community apply to takeover the amenity centre. There maybe other suggestions. The land will still presumably be suitable for farming. The issue will be the amenity centre build for the strawberry business. The caravan site can be restored to farmland by removal of the surface service infrastructure and caravan hardstandings and replacement topsoil. There will have to be local debate as to the merit in retaining the amenity centre and its facilities. The building will have an intrinsic value. It could be presented as suitable for accommodation for a residential farm worker family tied to agricultural use. It could be converted to an acceptable alternative use compatible with its location.
- (13) Restoration and conversion of Brierley Court Farmhouse. Matthews Architects has been commissioned to survey and specify and design the development scheme to restore the Brierley Court to residential only use and to convert the adjacent redundant farm barns and to submit a planning application in due course.
- (14) Agri Centre. Paul Dunham Architect has been commissioned to survey and specify and design the development scheme to build a new dedicated agricultural building complex to incorporate facilities for the packing and processing and distribution storage and maintenance of plant and materials and also farm offices for the management of the Brierley Court farm. This is a matter for further future review and resolve but an integral part of the overall development proposals.
- (15) Residential Development. Border Oak of Kingsland Herefordshire has been consulted on the design and development of the redundant farm yard complex and the removal of the remaining super shed and extensive reinforced concrete zone formerly the other sheds associated to the hop picking business on an industrial scale and the preferred alternative residential development on a hamlet of Brierley scale. This remains the subject of future consultations with the local planning authority and other interested parties including the residents of Brierley.

- 6 DCNW2003/2576/G - THE DISCHARGE OF THE OBLIGATION TO PROVIDE FOR OPEN SPACE AS PER SECTION 106 AGREEMENT
&
7 DCNW2003/1916/F - CHANGE OF USE OF PLAY AREA TO DOMESTIC GARDEN
AT BLACK BARN CLOSE, KINGTON, HR5 3FB
For: Tabre Developments per John Phipps,
Bank Lodge, Coldwells Road, Holmer, Hereford**

Date Received:
24th June, 2003

Ward:
Kington Town

Grid Ref:
30286, 56249

Expiry Date:
19th August, 2003

Local Member: Councillor T.M. James

Introduction

This joint report was previously considered by the Northern Area Planning Sub-Committee on 28 January 2004 when it was advised that the applicant had agreed to an increased contribution of £3,000 in lieu of off-site recreation provision in Kington. This sum is considered appropriate having regard to the discussions that have been undertaken with the Council's Leisure Department, Parks and Countryside service and would, subject to approval of these applications, be made available to Kington Town Council.

It was noted that the applicants offer fell significantly short of the £20,000 request made by the Town Council and the determination of the application was further deferred to seek additional clarification of the site area and its potential residential development.

In response to this further information has now been received from the applicant, with the delay being due to an attempt to establish if neighbouring occupiers were interested in the purchase of the land in order to extend their existing gardens. The response from the applicant indicates that this is the case with the occupier of 15 Blackburn Close having expressed an interest.

The status of the land would be residential if these permissions are granted but having regard to the particular constraints of the site, which include a limited developable area (in view of the presence of an embankment adjacent to the brook); the lack of any vehicular access and its close proximity to existing dwellings in Blackburn Close and Barley Drive, this would not be an appropriate plot for a dwelling.

If the applicant is unable to dispose of the land then its maintenance would remain his responsibility.

In the light of the above, the report and recommendation otherwise remains identical to that previously considered by Members.

Original Report

1. Site Description and Proposal

- 1.1 The application site comprises a roughly triangular plot of land to the rear of 15 and 17 Black Barn Close. The land is generally overgrown and slopes away in an easterly direction down to a brook which generally defines the boundary of the modern housing development that has taken place off Eardisley Road.
- 1.2 Consent is sought to discharge the requirement to provide recreational open space established in the Section 106 Agreement entered into alongside original permission for the development of this site and subsequently for the change of use of this land to private gardens.
- 1.3 The applications have been accompanied by a statement of case justifying the reasons for seeking the change of use.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A54	Protection of Residential Amenity
Policy A63	Retention of Open Space
Policy A64	Open Spaces Standards for New Residential Development
Policy A65	Compliance with Open Space Standards

3. Planning History

- 88/767 - Erection of 12 Dwellings - Approved.
- 94/0558 - Renewal of Permission Approved Under Code 88/767 for the Erection of 12 Dwellings - Approved 19 October 1994.
- 96/0826/N - Erection of 3 houses - Approved 27 February 1997.
- 98/0177/N - Erection of 2 houses with optional garages - Approved 1 May 1998.
- NW99/1732/F - Erection of 8 no. Semi-Detached Dwellings (plots 12-19) - Approved 2 November 1999.
- NW01/1094/F - Change of Use of Childrens Play Area to Domestic Garden - Refused 27 June 2001.

4. Consultation Summary

- 4.1 No statutory or non-statutory consultations required.

5. Representations

- 5.1 The applicant has submitted the following statement to justify the proposal :

'As you are aware since the previous refusal for this land (NW2001/1094/F) we have explored the possibility of having the Play Area adopted by the Local Authority, although they have since indicated that they are not prepared to take on this land.

If the Play Area were to remain in the private domain it would be necessary to take out an annual insurance for public liability. Unfortunately it has been found that an annual premium in the order of £5,000 would be payable and I feel that this is an unreasonable burden on the householders of Black Barn Close. The householders have also indicated that they do not want a Play Area adjacent to the stream which could prove dangerous to children and its concealed position gives limited views from the houses which could attract undesirable behaviour.'

5.2 Kington Town Council state :

'We believe that a similar application came before the Town Council a few years ago and Kington Town Council was opposed to that application. In the original application for the development of this estate, there was a requirement for a play area for children. It is unfortunate that the developer chose to put the play area in an unsuitable place, and to develop a property with insufficient garden. Kington Town Council object strongly to this application - an area set aside for children's play is intended to keep children from playing in the street, and should not be reallocated for a residential garden. If planning permission is granted, does the developer propose to put in place another area designated solely for children's play space. Kington Town Council would welcome such a gesture.'

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

6. Officers Appraisal

6.1 The fundamental issue at stake in respect of this application is to assess whether there are specific circumstances in this particular case that warrant the removal of the children's play space from the Black Barn Close housing development.

6.2 A strict interpretation of Policies A63, A64 and A65 would render this application unacceptable and accordingly it would be recommended for refusal as was the case with the recent application referred to in Kington Town Council's comments (NW01/1094/F refers).

6.3 However, in this case there are a number of factors which require Members consideration. In the first instance the recently refused application was accompanied by a signed petition of 14 residents of Black Barn Close (No.'s 1,3,4,5,7,9,11,17,19 and 21) supporting the change of use of the play area to domestic garden. The concerns raised were that the play area is not readily visible from the vast majority of houses in the cul-de-sac and is alongside a stream and concerns regarding its secluded location and the potential for anti-social behaviour. It is stated that the combination of these factors resulted in the conclusion that the signatories would not allow their children to play unsupervised in the designated area and as a result it would not be sufficiently used to enable regular maintenance to be worthwhile.

6.4 Since the previous refusal, approaches to the Council's Leisure Development, Parks and Countryside service regarding the adoption of the play area by Herefordshire

Council have indicated that it would not be of a sufficient standard to warrant this. Furthermore, to maintain it privately would entail an annual insurance premium of £5,000 to cover public liability.

- 6.5 In view of the above it is considered in this particular instance that the poor location of the remaining play area and the position adopted by a significant proportion of local residents is such that relaxation of the normal policy is warranted.
- 6.6 With regard to the comments of the Town Council the applicant has agreed to the principle of a payment in lieu of the non-provision of playspace which would be used for improvement/maintenance of existing recreational facilities in Kington. The amount had not been finalised at the time of writing and will be reported to Members verbally.

RECOMMENDATION

DCNW2003/2576/G

- 1 - That subject to the receipt of a payment in lieu of off-site improvements/maintenance of recreational facilities, the Section 106 Agreement relating to the provision and maintenance of children’s recreational play area be revoked and upon receipt of the payment that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the recommendation set out below.

DCNW2003/1916/F

That planning permission be granted subject to the following conditions :

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

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

- 2 - G01 (Details of boundary treatments)

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

8 DCNW2003/3739/F - AGRICULTURAL WORKERS DWELLING AND INTEGRAL GARAGE AT ABBEY COURT FARM, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UF

For: Mr. & Mrs. C. Gurney, Garner Southall Partnership, 3 Broad Street, Knighton, Powys, LD7 1BL

Date Received:
12th December, 2003

Ward:
Mortimer

Grid Ref:
41001, 69865

Expiry Date:
6th February, 2004

Local Member: Councillor L.O. Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a roughly rectangular 0.1 hectare plot on the eastern side of the A4110 approximately 1 km to the north west of Wigmore.
- 1.2 It lies immediately adjacent to the main farm access and is primarily characterised by a row of poplar trees defining the northern boundary and a modern disused dutch barn. Abbey Court Farmhouse is located on the opposite side of the main access and the main complex of farm buildings is located on land to the east of the application site.
- 1.3 Outline planning permission was granted for an additional dwelling on this site pursuant to application no. NW2002/3841/F and this application seeks approval for the detailed design of the dwelling.
- 1.4 A 3 bedroomed property incorporating integral farm office and garaging is proposed with the main accommodation running to a gross floor area of 175 metres. A part brick, part timber framed dwelling, with clay tiled roof is proposed to reflect the design of the existing farmhouse opposite.

2. Policies

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

Hereford and Worcester County Structure Plan

Policy CTC9 – Development Requirements

Policy A4 – Agricultural Dwellings

Leominster District Local Plan

Policy A1 – Managing the Districts Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A9 – Safeguarding the Rural Landscape

Policy A24 – Scale and Character of Development
Policy A43 – agricultural or Forestry Dwellings

Herefordshire Unitary Development Plan

Policy H6 – Housing in Smaller Settlements
Policy H7 – Housing in the Open Countryside outside Settlements
Policy H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

NW2003/1377/S - Building for straw storage. Prior approval not required - 28 May 2003.

NW2002/3841/O - Site for key agricultural workers dwelling. Approved 28 February 2003.

NW2002/1351/O - Site for key agricultural workers dwelling. Refused 30 July 2002.

NW2000/2245/S - Straw storage building. Prior approval not required - 15 September 2000.

97/0818 - Resiting of agricultural workers dwelling. Approved pursuant to 91/747. Approved 25 February 1998.

97/0497 - Temporary siting of 2 caravans at farmbuilding. Approved 23 October 1997.

91/747 - Erection of replacement farmhouse and associated dairy farm. Approved 28 January 1992.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency raise no objection to the proposal provided the existing foul drainage and soakaway arrangements are adequate.

5. Representations

- 5.1 The applicant has provided additional supporting information seeking to justify the size and detailed design of the dwelling which can be summarised as follows:

- the key worker status of the dwelling is emphasised
- intention is to attract a high quality dairy manager
- proposal is for a relatively modest 3 bedroom house with actual living space of 108 square metres
- site is within an area of existing farm buildings

- proposed office would replace existing portacabin which is vulnerable to intruders
 - farm enterprise is developing financially but needs to attract high quality employee
 - farm produces 2 million litres of milk per year a large proportion of which is from homegrown feed
 - build cost of approximately £125,000. £25,000 lump sum with the remaining £100,000 through a 15 year mortgage
 - long term commitment to the business also evidenced by 10 year countryside stewardship agreement. 725 metres of hedgerows planted, and creation of 9 hectare wetland area.
- 5.2 The statement also includes reference to the Mid Term Preview on agriculture and its impact upon Herefordshire. This indicates growing pressure in the farming economy. Further information relating to the required skill levels for a dairy herdsman is supplied.
- 5.3 Wigmore Parish Council raise no objection.
- 5.4 Adforton Parish Council supports the application as it appears to be in line with the Local Plan and tied to the Abbey Court Farm business.
- 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 proposed dwelling has been amended since the original submission, which has resulted in a reduction in the habitable floorspace through the removal of the master bedroom over the integral garage/farm office.
- 6.2 The concern with this proposal as it currently stands relates to the scale of the dwelling being commensurate with the established functional requirements of the Abbey Court Farm enterprise. Guidance is provided on this issue in paragraph 11, Annex I of PPG7 – The Countryside – Environmental Quality and Economic and Social Development, which states that “agricultural dwellings should be of a size commensurate with the established functional requirements. Dwellings which are unusually large in relation to agricultural needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long term would not normally be permitted. It is the requirement of the enterprise rather than the owner or occupier which are relevant in determining the size of a dwelling that is appropriate is a particular holding.”
- 6.3 Other than this there is little guidance or advice as to what amounts to an appropriate scale. Further background is available in Policies H6, H7 and H8 of the Herefordshire Unitary Development Plan (Deposit Draft), which set out a number of criteria that would ensure that the dwelling remains affordable for the occupiers it is intended to serve.
- 6.4 The current proposal for a dwelling of approximately 175 square metres (excluding the garage and farm office) does not compare favourably to the suggested Unitary

Development Plan limit of 90 square metres and whilst a degree of flexibility above this can be afforded, as revised the dwelling is not regarded to be of acceptable scale.

6.5 The applicant has set out a reasoned case that confirms that the dwelling needs to provide reasonably well appointed living space in order to attract the quality of employee required to manage the dairy herd and also the financing of the new dwelling would not be prohibitive to the viability of the enterprise. The future value of such a dwelling and its affordability for the purpose intended is however remains a matter for concern.

6.6 No other objections have been received in respect of this proposal and with the principle of a dwelling established the issue of scale is the only planning matter, which is at odds with the policies relevant to the proposal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. It is considered that the size of the dwelling is not commensurate with the established functional requirement of the enterprise and that the future occupation of the property in accordance with the occupancy condition would be compromised due to the high value of such a property. Consequently the proposal is contrary to the advice contained in Annexe I of Planning Policy Guidance 7. The Countryside, Environmental Quality and Economic and Social Development.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCNW2004/0080/O - SITE FOR THE BUILDING OF A REPLACEMENT PRIMARY SCHOOL ON LAND BELONGING TO BLISS HALL FARM, STAUNTON-ON-WYE. (OS: 3625/4505)

**For: Governors of Staunton-on-Wye Primary School
per Property Services Manager, Herefordshire Council
Property Services, Franklin House, 4 Commercial
Road, Hereford. HR1 2BB**

**Date Received:
9th January, 2004**

**Ward:
Castle**

**Grid Ref:
36255, 45058**

**Expiry Date:
5th March, 2004**

Local Member: Councillor J.W. Hope

1. Site Description and Proposal

- 1.1 Outline planning permission is sought for the erection of a replacement primary school with associated access, parking and recreation space on agricultural land which is outside but immediately abutting the settlement boundary for the village of Staunton-on-Wye. At this stage there are a number of outstanding issues requiring further detailed submission but in view of the local sensitivity of this proposal and its relative scale, it is considered that Members would benefit from a site visit.
- 1.2 It is therefore recommended that the site viewing sub-committee visit the site during its next round of visits in May.
- 1.3 It is not clear at present when the full report and recommendation will be before the Northern Area Planning Sub-Committee but it is anticipated that this would be at its meeting on 19 May 2004.

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:

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Background Papers

Internal departmental consultation replies.

10 DCNC2004/0107/F - PROPOSED EXTENSIONS TO EXISTING STORAGE FACILITY TO FORM BULK STORAGE AND GENERAL PURPOSE GRADING AREA AT LARKSFIELD, KIMBOLTON, HEREFORDSHIRE**For: HVR Smith & Co. per Mr. P. Dunham, Dunham Associates, 19 Townsend, Soham, Cambridgeshire, CB7 5DD****Date Received:**
13th January, 2004**Ward:**
Upton**Grid Ref:**
53489, 61639**Expiry Date:**
9th March, 2004

Local Member: Councillor J. Stone

1. Site Description and Proposal

- 1.1 Larksfield is a 37 hectare (92 acres) parcel of land which lies on the southern side of the A4112 between Kimbolton and Leysters.
- 1.2 The site lies in an Area of Great Landscape Value with the contours rising parallel to the road allowing views of the site from some distance. The nearest property to the site is Lea Bungalow which lies approximately 150 metres to the north east.
- 1.3 The proposal is to expand the potato storage facility on the site to incorporate a new bulk storage and grading building. The larger building, which measures 48m long x 24m wide, abuts the existing building and is tucked against an embankment. It is of a steel frame construction with external cladding to match the existing. The elevation facing the road, however, will be constructed on a stone plinth from materials sourced from the site.
- 1.4 It is also proposed to erect a stone retaining wall adjacent to the existing building to break up its bulk and soften its impact.
- 1.5 The second new building proposed for the site is much smaller, measuring 18m x 33m, to be used for grading the potatoes. It is proposed to construct this building in timber Yorkshire boarding with a clad roof to match the colour of the existing building. This building will be located on the south-east end of the site abutting and partly obscuring the existing and proposed building.
- 1.6 Associated with the development is the provision of additional structural landscaping around the building and adjacent farm land. This will include a small area of woodland planting which has been laid out to correspond with recommendations of the Council's Landscape Character Assessment for the area.

2. Policies

- 2.1 PPG7 – The Countryside and Rural Economy

2.2 Hereford & Worcester County Structure Plan

A3 – Agricultural Buildings

2.3 Leominster District Local Plan (Herefordshire)

A09 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

DR1 – Design
DR4 – Environment
LA2 – Landscape character and areas least resilient to change

3. Planning History

NC01/1278/F - Cold store potato building, alteration to access. Approved 7.8.01.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency: No objection in principle subject to the imposition of conditions regarding surface water drainage and the prevention of pollution of the water environment.
- 4.2 River Lugg Internal Drainage Board: The proposed development is up to 2 Km beyond Drainage Board boundary. No response was necessary.

Internal Council Advice

- 4.3 Head of Engineering and Transport: No objection subject to the imposition of conditions (H16, HN1).

5. Representations

- 5.1 Kimbolton Parish council: The Council set out a detailed response expressing their concern regarding the proposed development, which has been copied in full as Appendix 1.

- 5.2 Letters of representation have been made. These include:

45 letters of objection
1 petition against the development
2 letters in support
3 letters of mixed/non-committal comments.

The main areas of concern are:

Environmental

- existing building is discordant intrusion and an eyesore
- proposal is inappropriate semi-industrial site
- could be accommodated on vast industrial site in Leominster, instead of 'blot on the landscape'
- elevated position ensures negative visual impact
- Kimbolton does not need industry
- scale of building is monstrous over-development of greenfield site
- the new buildings will increase the size of the existing potato shed by over three times
- buildings should be erected further away from the road
- building will become a 'continuous working area', possible day as well as night
- fridges and potato handling machinery will produce more noise
- operating times must be controlled
- no matter how many trees are planted, can't disguise building
- proposal will ruin views even further
- the building is nowhere near where potatoes are sourced
- proposed use will introduce an industrial processing element into this open and rural location
- employment will not be increased
- workers and immigrant workers sourced from miles away
- proposal is not going to enhance our community
- given the importance of tourism to Herefordshire economy, unwise to place 'blot on the landscape' on this approach to the county

Highway

- concerned about extra traffic
- during the potato season vast numbers of vehicles travel up and down the road
- road is narrow with blind bends
- danger to children travelling by car, coach and on foot
- overnight parking of lorries and cars
- conditions needed to stop movements of potatoes through the village
- as few farmers grow potatoes locally presume will rely on importing from outside our parish
- large trailers damage hedges and fences of properties abutting the road

Drainage/Pollution

- design of existing 'sludge-door' considered incorrect
- existing door will have difficulty handling volume of water
- potential pollution from oil and diesel spills/residue making their way into York drainage system
- increased risk of flooding to nearby dwelling from surface water run-off
- no toilet facilities on site lead to use of side of shed as 'open-air' toilet
- maintenance of ditches required
- potential spread of pest and disease from waste soil and washings

5.3 In support of the proposal:

MBM, the largest potato business in the UK, states that the new storage facility will enable the applicant to continue to produce long-term stored potatoes of the highest quality.

McCain Foods also give their support to the proposal stating that they continue to encourage all dedicated suppliers to invest in their efforts to target production of this specialist market.

5.4 A letter withdrawing an earlier letter of objection was received from H and S Evans stating that their original letter was a response to an unsigned, rather irresponsible letter from another member of the village. Having met the applicant, they are now satisfied that the impact of heavy traffic in Kimbolton will be minimal and will lessen the number of vehicles travelling through the village to access the sheds on the A49. Strong efforts have also been made to ensure the sheds are as aesthetically pleasing as possible, with cladding, stonework and planting of climbers and trees.

5.5 The applicant has also written in response to letters of representation to correct inaccuracies:

- the applicant's farm business, established in the 1950s, has always been in the area
- the equivalent of 10 full-time people are employed, with 4 partners in the business
- there have never been caravans on the land to house anybody
- any noise will be reduced by having a grading shed to work in; the fan to control the temperature of the potatoes is within the store
- all lighting will be within the building
- indoor grading will keep mud and dust to a minimum
- the store will be filled in a very short period, during September and October; the potatoes will then be unloaded April to July, limiting the level of activity

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

6. Officers Appraisal

6.1 The principal issues which relate to the determination of this application are:

- Impact on environment
- Impact on highway safety
- Impact on drainage and water course

Impact on environment

6.2 The proposed new buildings represent large-scale agricultural development in the open countryside and will be visible to both near and longer distance views. It is not, however, a form of development which would be directed to or considered appropriate for location on an industrial estate.

6.3 The Council's supplementary planning guidance on landscape Character Assessment identifies that this area could support the introduction of additional planting, in the form of small woodlands or coppices.

- 6.4 The application includes additional landscaping consistent with the character of the area. The intention is to soften and integrate the impact of the new development. It is not intended to surround the development in a block of planting, in order to ensure the existing field patterns of the area are maintained.
- 6.5 The impact of the development in terms of noise will be minimised by the siting of the cooling fans within the building and grading machinery within the new structure.
- 6.6 It is not considered that the proposed buildings will adversely affect tourism within Herefordshire. The buildings instead reflect that the area is a working agricultural landscape and supports a variety of employment and tourism opportunities. Within the agricultural holding are a number of public footpaths, whose routes will not be affected by the development.

Highway issues

- 6.7 The Transportation section has confirmed that there is no objection to the development on highway safety grounds.
- 6.8 The applicant has confirmed that the impact of heavy traffic will be minimal and will reduce the need for tractors and lorries to travel through the village from the north and east to the existing store on the A49.

Drainage/Pollution

- 6.9 The Environment Agency is satisfied, subject to the imposition of conditions, that the proposed drainage systems will be adequate to cater for the increased capacity.
- 6.10 The provision of oil interceptors will ensure that the risk of pollution is contained.
- 6.11 Waste water from washings will not contaminate arable crops but will be drained within the applicant's site.
- 6.12 The proposal will support an established farm enterprise which grows potatoes and operates within the area. Alternative sites are not suitable and concentrating the operations on a single site is considered the most appropriate and least harmful form of development.
- 6.13 The provision of the new buildings are part of a high quality production process which will meet an expanding demand for processed potato products.
- 6.14 Whilst the concerns regarding the visual impact of the development are acknowledged, the buildings have been reduced in height, with associated landscaping, design to minimise their impact.
- 6.15 It is therefore considered that subject to appropriate restrictive 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 - A09 (Amended plans)

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

3 - B10 (Details of cladding (agricultural and industrial buildings)

Reason: To minimise the visual impact of the development.

4. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall include alternative measures for limitation of flows and details of pollution control. Such scheme shall be implemented before the first use of the development hereby approved.

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

5 - F28 (No discharge of foul/contaminated drainage)

Reason: To prevent pollution of the water environment.

6 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

7 - 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.

8 - G04 (Landscaping scheme (general))

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

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

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

10 - G06 (Scope of landscaping scheme)

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

11 - H16 (Parking/unloading provision - submission of details)

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

12 - H21 (Wheel washing)

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

13 - F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

14 - Collection of roof water and connection via downpipes into the existing surface water drainage system shall take place upon completion of the roof structure and external cladding and prior to the buildings first being brought into use.

Reason: In the interest of proper drainage of the site and to prevent the risk of flooding.

15 - Prior to the building first being brought into use a scheme for the regular inspection and maintenance programme for the drainage system shall be submitted to and approved in writing by the local planning authority.

Reason: In the interest of proper drainage of the site and to prevent the risk of flooding.

Informative:

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

Decision:

Notes:

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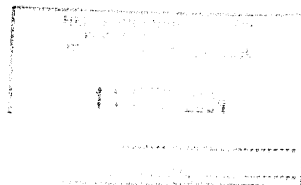
Background Papers

Internal departmental consultation replies.

KIMBOLTON PARISH COUNCIL.

10th. February 2004.

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



Environment Directorate.

For the attention of Miss. P. Lowe.

Dear Sirs,

Re: Larksfield, Kimbolton, Leominster, Herefordshire. Proposed extensions to existing storage facility.

Application Number DCNC2004/0107/F.

The above planning application was discussed in great depth at our recent Parish Council meeting. In attendance at the meeting were many residents of Kimbolton who in one way or another will be affected by the proposed scheme. The outcome of the discussions at the meeting is as follows;

The Parish Council objects to the application in full.

Many of the areas of concern were raised against the previous application for the current potato store, being;

1. **Traffic flow:** The increased volume of lorries through the village throughout the year, and the increased volume of tractors and trailers during the harvesting period.

2. **Safety:** The stretch of the A4112 from the A49 to the site passes through the village and past the school. This section in its current form is not suitable for heavy lorries travelling in both directions. Heavy lorries travelling in opposite directions cannot pass one another at the top of Lever Hill. The access to the site is off this section of road. We are very concerned with regard to lorries and slow moving tractors and trailers pulling out onto the A4112, knowing the speed of the traffic that comes down Lever Hill.

You may also be aware that at long last after many years of discussions work is to be carried out to the A4112 through Kimbolton to provide a Gateway Scheme, funded by Herefordshire Council.

We are concerned that if the above scheme is approved what affect in the future tractors carrying mud etc. will have on the new coloured surfacing, roundels and kerbs etc.

3. Visual impact: The current potato store can only be described as "Blot on the landscape". We are still receiving comments such as "who allowed such a building to be built in that location". It has totally impacted on the beauty of this area of countryside.

We are also having to defend a Council Policy that can allow such a huge building to be built, but turns down individual householders applications for small alterations and extensions to their own properties.

This new application triples the size of the current storage building also adding a grading building which will be even more damaging to the visual environment.

Item 8 of the original planning permission concerns a landscaping scheme "to protect the visual amenities of the area", to be approved by the local planning authority prior to commencement of the development. The work that has been carried out to date, two years after completion of the building, cannot be considered landscaping.

4. Services: Concern was expressed on the original application with regard to how to deal with the surface water. This according to the previous planning permission, item number 4, should have been resolved prior to the current potato store being built.

We are aware that this was not done, has caused problems to neighbouring land and is still an ongoing situation.

With such a huge increase in storage and a facility for grading there will be a major increase in traffic flow on the site, including parking for off-loading.

Is there to be any provision provided, such as a petrol interceptor, to prevent contaminated surface water entering the adjacent stream marked as Yolk brook?

5. Employment: It has been intimated that the current potato store provides full time employment. This is not the case, it only provides part time employment. This being, not to local people, but as we have been reliably informed to migrant farm workers from other areas.

This new application raises further concerns regarding services and employment. If there is to be a grading store with work being carried out at the site with what can only be assumed a larger work force what provisions are to be provided for Health and Welfare.

Will there be mess rooms, washing and drying facilities, and toilets a minimum legal requirement for a temporary building site never mind a full time employment site.

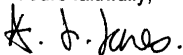
If there are to be these facilities how will the effluent be dealt with, as, stated in condition 4 of the previous planning permission there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Finally we must point out that members of the local community are greatly concerned with this proposed extension to the existing store. Many people are still disappointed with the original approval and have made their views known to all members of the Parish Council.

We therefore reiterate that we are against this proposal. This is not in our opinion agriculture, but industrial agriculture. It is not suitable on a green field site but would be far better located on an industrial estate where all amenities and facilities are available.

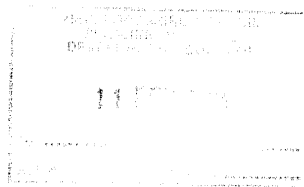
A request has been made that a site visit by councillors be made in order that they can see for themselves the huge impact that this proposal will have on the environment.

Yours faithfully,



A. J. Jones. Chairman.

c.c. John Stone.



11 DCNC2004/0388/N - CHANGE OF USE TO A WASTE TRANSFER STATION FOR BIODEGRADABLE, ORGANIC, AQUEOUS, LIQUID WASTES, PARKING OF PLANT VEHICLES AND EQUIPMENT, ERECTION OF 5 NO. TANKS AND ASSOCIATED EARTH SCREEN BANK, REMOVAL OF 1 NO. EXISTING TANK. LAND AT MARLBROOK FARM, MARLBROOK, LEOMINSTER, HEREFORDSHIRE, HR6 0PE

**For: Messrs M.S. & E.M. Patrick per Mr. S.L. Willetts,
35 Bishops Cleeve, Austrey, Atherstone, Warwicks,
CV9 3EU**

Date Received:
11th February, 2004

Ward:
Hampton Court

Grid Ref:
51082, 54055

Expiry Date:
7th April, 2004

Local Member: Councillor K.G. Grumbley

1. Site Description and Proposal

- 1.1 The site lies in open countryside approximately 0.5 kilometres north of the Marlbrook roundabout opposite the Cadbury-Schweppes building, accessed from the B4361. The site is a wedge-shaped strip between the B4361 and the railway with the A49(T) Leominster by-pass beyond.
- 1.2 The River Lugg Site of Special Scientific Interest and candidate Special Area of Conservation, and the Marl Brook which feeds into the Lugg, lie approximately 400m to the east and north respectively. The application site area is approximately 0.23 of a hectare, the margins having been planted up with shrubs and trees in the past to screen the A49. A deciduous hedge runs along the margin of the B4361.
- 1.3 The site lies just outside the Area of Great Landscape Value (LDC Local Plan) and Area Least Resilient to Change (UDP Deposit Draft).
- 1.4 The nearest house is approximately 175 metres to the west, and there are properties in the hamlet of Newton to the east and on the A49 to the west within 500 metres of the site, although not obviously visible from it. In addition to the Cadbury-Schweppes factory complex on the A49, there is an ornamental stone and paving manufacturer and a veterinary eye hospital within 500 metres of the site.
- 1.5 Part of the site plus some of the adjoining land to the north is currently being used by Dwr Cymru Welsh Water as a temporary depot during water main replacement works, using the same access.

- 1.6 The applicant operates a domestic, commercial and agricultural septic tank emptying service, using an existing yard and agricultural hardstanding at the site to contain waste in mobile tankers prior to final disposal. The proposal is to erect up to five cylindrical tanks on the site, each of 3.6 metres height and of 18,000 gallons (approx 82,000 litres) capacity. Collection tankers would transfer their contents to the proposed tanks, prior to bulk shipping to final destination (sewage treatment works, landspreading etc). The proposal includes a concrete apron, bunding, and drainage sump to contain any spillage. The applicant wishes to retain parking for 10 cars and 10 lorries on an area of hardstanding to the north of the proposed storage tanks. The proposal does not fall within the criteria of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, so an Environmental Statement has not been necessary.

2. Policies

Hereford and Worcester County Structure Plan

Policies E14 and E15 – Disposal of Waste Materials
Policy T6 – Role of Highways
Policies CTC3 and CTC4 – Nature Conservation
Policy CTC9 – Development Requirements
Policies WD2 and WD3 – Waste Disposal

Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets
Policy A2 – Settlement Hierarchy
Policy A4 – Sites of Special Scientific Interest
Policy A9 – Safeguarding the Rural Landscape
Policy A10 – Trees and Woodlands
Policy A12 – New Development and Landscape Schemes
Policy A13 – Pollution Control
Policy A14 – Safeguarding Water Resources
Policy A15 – Development and Watercourses
Policy A16 – Foul Drainage
Policy A24 – Scale and Character of Development
Policy A28 – Development Control Criteria for Employment Sites
Policy A35 – Small Scale Development for Rural Businesses
Policy A54 – Protection of Residential Amenity
Policy A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1 – Sustainable Development
Policy S2 – Development Requirements
Policy S6 – Transport
Policy S10 – Waste
Policy S11 – Community Facilities and Services
Policy DR1 – Design
Policy DR2 – Land Use
Policy DR3 – Movement
Policy DR6 – Water Resources
Policy DR14 – Lighting

Policy LA6 – Landscape Schemes
Policy NC3 – Sites of Special Scientific Interest/Candidate Special Area of Conservation
Policy W1 – Waste Management
Policy W3 – Waste Transportation and Handling
Policy W4 – Temporary Permissions
Policy C12 – Foul Drainage
Policy CF1 – Utility Services and Infrastructure

Government Guidance

PPG7 – The Countryside, Environmental Quality and Economic and Social Development
PPG9 – Nature Conservation
PPG10 – Planning and Waste Management
PPG13 – Transport
PPG23 – Planning and Pollution Control

Waste Strategy 2000

3. Planning History

NC2003/3559/N - Earlier application similar to this resubmission application, withdrawn 23 January 2004, following highway objections.

NC2002/0381/N - Extension to existing agricultural hardstanding to park machinery, construction of earth and hardcore bund flanking. Approved 26 March 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 English Nature - acknowledges that the site is some few hundred metres from the River Lugg SSSI/cSAC, but originally (on the earlier application) expressed concern that field drains from the site might directly connect with the River Lugg. Subsequently the applicant supplied details of a "Scheme of surface water management and tank bunding arrangements" which has allayed concerns and the objection is withdrawn.
- 4.2 The Environment Agency - makes no objection in principle, but recommends conditions to control disposal of surface waters and contain any spillage. The proposal would be subject to a Waste Management Licence, application for which has been made.
- 4.3 Network Rail - raised no objection, conditions being recommended to protect the railway from any effects of trees planted on the site.
- 4.4 The River Lugg Internal Drainage Board raised no objection, noting that the development is "unlikely to impact on the adjacent surface water system".

Internal Consultation Advice

- 4.5 Chief Conservation Officer does not object in principle but recommends a number of landscaping requirements to screen the site
- 4.6 Head of Engineering and Transportation (Transportation) originally recommended refusal on highway safety grounds on the earlier withdrawn application, insufficient information having been provided to ensure that all vehicles would be able to enter and leave the site in a forward gear. The revisions on the resubmission allow for an increased turning area and the highways objections have been withdrawn subject to conditions.
- 4.7 Head of Engineering and Transportation (Engineering) - states:
"I have concerns over the maintenance regime whereby the contents of the (spillage) sump would simply be removed on an 'as and when' basis. There is no technical approach to the monitoring of the sump other than by visual inspection"
followed by a request for some form of audible or visual alarm to be fitted. Subsequently, The Environment Agency has stated that a condition would be applied to the Waste Management Licence requiring the operator to carry out daily inspections on the sump and to ensure its regular maintenance. Therefore the request for an alarm has been verbally withdrawn.
- 4.8 Head of Environmental Health and Trading Standards does not object in principle, subject to Waste Management Licence control. Recommends conditions to control potential odour nuisance, but this matter also will be addressed by the Waste Management Licence.

5. Representations

- 5.1 Hope-Under-Dinmore Group Parish Council (including Newton) objects on the following grounds:
- Access - the entrance to the site is in a dangerous position, being near the bridge on the Hereford side and a bend on the Leominster side. The access is through a bus-stop pull-in.
 - The application states that the owner will be the nearest property to the site should there be a smell. This is not true as at least 20 properties are nearer the proposed site
 - It is assumed a Waste Licence will be necessary
 - The Parish Council would appreciate proof that the proposed scheme has been tested in a commercial environment and that this is not a pilot scheme.
 - We wish to remind you that this site is near food processing units as well as a veterinary practice. It is considered that a more appropriate site should be found.. as this site contravenes PPG23 para 1.31 and the County Structure Plan (Policy W3)
 - No account appears to have been taken of the exterior lighting. This will be necessary for the operation during the short winter days
 - This site is entered from a highway within a 7.5 ton weight restriction area. Concern was expressed about the increased traffic of these HGV s.
 - The site should be adequately screened, particularly from the Newton Lane area which overlooks this site.

5.2 Humber Ford and Stoke Prior Group Parish Council objects on the following grounds:

- There are many residents close by in Marlbrook, Wharton, Ford, Lower Stoke Prior and near the Cadbury's factory, who might be adversely affected by the proposal.
- These very large tanks and increased number of tankers are likely to have a serious visual impact on the area. It is likely to be an eyesore
- There will be a much increased amount of traffic, causing hazard on the highway. Will (the tankers) have a deleterious effect on the roads themselves?
- Noise, dust, possible water and light problems. There will be the necessity for lighting on the site contributing to light pollution. The Council remains unconvinced that run-off liquid could not affect underground water. Does Cadbury's draw water from local underground sources?
- There would need to be in place mechanisms and procedures to prevent anaerobic reactions, not merely to alleviate them, should they occur
- This Council is well aware of the impact of escape of foul gases on a community of highway safety, potential odour nuisance and inappropriate site choice.

5.3 Leominster Town Council - recommend approval, subject to consideration of concerns regarding highway safety and visual intrusion. Suggestions are made to enhance screening.

A total of 14 letters of objection have been received from:

(Name not given), Little Newton, Newton, Leominster
Mr. & Mrs. Bethell, White Lodge, Newton, Leominster
Mrs. D.J. Cox, Fair View, Newton Lane, Hope Under Dinmore, Leominster
Mrs. S.E. Dakin, Sunnybank Cottage, Newton Lane, Leominster
Mr. & Mrs. Daw, Rosecroft, Newton Lane, Hope Under Dinmore, Leominster
Mr. & Mrs. Francis, Hillcrest, Newton Lane, Leominster
Mr. A.B. Goodwin, Spindle Cottage, Newton, Leominster
Mrs. L.M. Goodwin, Spindle Cottage, Newton, Leominster
Mr. & Mrs. D Greaves, Rose Cottage, Hope Under Dinmore, Leominster
Mrs. D. Horlock, Wayland's Seat, Newton, Leominster
Mr. & Mrs. J.E. Mosedale, The Beeches, Newton, Leominster
Mr. P. Royle, Hill View, Newton Lane, Leominster
Mr. R. Royle, Hill View, Newton Lane, Leominster
Mr. & Mrs. G. Wilkerson, Hill House, Newton, Leominster

Several objectors have expressed similar concerns. The points raised are summarised as follows:

- The tanks will be an ugly blot on the landscape.
- I find it hard to believe that this operation will not generate unpleasant odours.
- Access is across a bus stop on a long bend close to a narrow bridge and visibility is poor in both directions.
- The proximity of the site to a food manufacturer.
- Why allow development on this site when there is an industrial estate 5 miles away.
- The proposal is inappropriate in this location and does not accord with Leominster District Local Plan.
- The proposal will adversely affect the quality of life for the residents of the area.

- There are more than 20 properties along Newton Lane all of which will be sensitive to dust, smells, noise and visual intrusion.
- The site is within fields in the Lugg Valley which is bordered by an Area of Great Landscape Value, several Special Wildlife Sites and within a mile of the major tourist attraction of Queenswood.
- There will be an increase in the volume of traffic to the site and the noise level from vehicles.
- Lighting would be of considerable intensity.
- We are fed up with the infill of industry that is being allowed between Cadbury's and the industrial estate.
- The siting and scale of the development in this position is inappropriate in terms of its proximity to neighbouring houses and increased road usage.
- The information supplied by the applicant is inaccurate and misleading.
- The site is agricultural not industrial.
- There must be a risk of liquids spilling or gases escaping with consequent damage to the environment.
- The area is rural and any industrialisation/development would be detrimental to the character of the area.

5.4 Campaign for the Protection of Rural England - welcomes the amended arrangements for on-site management of vehicles, but expresses concern that the proposal may conflict with PPG23 para 1.31 and County Structure Plan policy WD3 by possible effects on residential amenity due to odour nuisance.

6. Officers Appraisal

6.1 The main issues relevant to this site are considered to be as follows:

1. Transportation matters
2. Creeping industrialisation of land along the A49 and B4361 roads between Marlbrook and Leominster
3. The potential for pollution,
4. Residential amenity and odour nuisance
5. Visual intrusion of the storage tanks
6. Regularisation

1. Transportation matters

6.2 Access to the site crosses a bus lay-by on the inside of a wide bend immediately north of the railway bridge and directly opposite Newton Lane, with limited visibility in both directions. However, the applicant has operated from this site for a number of years and no accidents or complaints are known as a result of vehicles using the site, despite the current intensification of activity due to the temporary contractor's depot.

6.3 The Head of Engineering and Transportation has withdrawn his objections to the earlier application as this revised application ensures that all vehicles may enter and leave in a forward gear, and a condition could be imposed reinforcing this. The applicant submits that he currently runs 9 vehicles of varying size, and does not anticipate more than 12 movements in and out per day, excluding any vehicles that might be parked overnight. This does not constitute an increase over current arrangements, nor is there any proposal to alter the existing access, so Policy A70 of the Leominster District Local Plan may be satisfied with a condition to restrict vehicle movements, as there would be no additional impact.

- 6.4 With a more efficient use of vehicles to tanker out full loads for disposal, as opposed to partial loads as at present, it is possible that fewer journeys would be necessary than currently.

2. Creeping industrialisation

- 6.5 While there is no question but that the operation is a most necessary service, it could be suggested that the new area of industrial estate at Leominster would be a more fitting site for this proposal. However, the operation would be a *Sui Generis* use and there is no guarantee that permission would be granted, as indicated by Local Plan policy A27. It might therefore be unreasonable to expect the applicant to incur the significant cost of feasibility studies and relocation, in the light of his having used the existing site for many years without attributable incident, and the fact that some industrial estate sites may actually be closer to residential areas than the application site. It is not considered that policy A35 applies as it specifically refers to new sites.
- 6.6 The cumulative effects of various developments along the B4361 may be cause for concern, but in this case remediation would be difficult because the existing site is already established, and other premises of an industrialised nature also already exist nearby. If this application were refused, the applicant could simply continue his unregulated operation as it is now. The test is, whether that would be preferable to an authorised, fully equipped and regulated site.

3. Potential for pollution

- 6.7 Concerns have been expressed as to the likelihood of pollution occurring, and the importance of protecting the River Lugg Site of Special Scientific Interest and candidate Special Area of Conservation (SSSI/cSAC). The applicant's submitted "*Scheme for Surface Water Management and Tank Bunding Arrangements*" provides for an impermeable pavement and sealed drainage system. The main pollution risk is of spillage due to faulty hose coupling, valve leakages split hoses or drainage from uncoupled hoses. Any spillage would be most likely to occur during tanker discharge or filling, which would necessarily be supervised. This potential already exists on the site, without any mitigation. Under the scheme, a concrete apron would contain and direct any spillage into a collection sump to be emptied regularly, and details of the capacity are given. The Environment Agency is confident that this scheme combined with its recommended conditions to control surface water run-off and bunding capacity would be adequate to prevent pollution and is currently considering the Waste Management Licence application.
- 6.8 Environment Agency advice is that a condition will be applied to the Waste Management Licence requiring the sump to be inspected daily by the operator and emptied as necessary. It is considered that these measures would be sufficient to satisfy the requirements of Local Plan policies A13, A14, A15, A16.

4. Residential amenity, possible odour nuisance

- 6.9 Many of the residents objecting to this proposal fear that the site will generate unpleasant odours, a sentiment supported by the CPRE. However, since the application is for storage only, not treatment, it would not entail processes that might result in obnoxious odours. The lined steel tanks would be pipe vented down to ground level to equalise pressures but would otherwise be sealed. The applicant

states that storage times at the site would be minimised, probably no more than overnight.

- 6.10 There is nevertheless some risk of smell during transfer from tanker to storage tank and vice versa, but any concerns would be conditioned and regulated by the Environment Agency through the Waste Management Licence, and by Environmental Health Officers through their own powers, thus ensuring compliance with Hereford and Worcester County Structure Plan policies E14 and E15.
- 6.11 Members should bear in mind that the general practice of spreading or injecting waste on farmland does cause offensive odours, but this is not relevant to this particular application.

5. Visual intrusion of the storage tanks

- 6.12 Policy A9 seeks to protect visual landscape characteristics, but it would be difficult to refuse the application on these grounds in this general locality. The prospect of 5 cylindrical tanks of 3.6m height would undeniably have a visual impact on the vicinity, but the question is - if they were of an unobtrusive plain colour, well maintained and the site kept clean and tidy, would this be worse or better than the existing arrangements of temporary mobile tanks?
- 6.13 Significant tree planting has been undertaken in the past to screen the site from the A49, although there are views into the site from the north and the boundary along the B4361 is relatively open. An approved tree-planting scheme, possibly incorporating some native evergreen species, could mitigate the visual impact in accordance with policies A10 and A12, subject to measures to protect the railway line for safety reasons. The rising ground between the site and the hamlet of Newton is quite thickly tree-covered, offering adequate existing screening and distance from nearby properties, and thereby satisfying Local Plan policy A28.

6. Regularisation

- 6.14 This enterprise has existed for many years, the applicant providing a necessary and useful septic tank emptying service to householders, farmers and some industrial premises. The service fulfils sustainability, siting and recycling aims detailed in the Unitary Development Plan Deposit Draft, PPG10 and Waste Strategy 2000.
- 6.15 This originally agricultural enterprise has developed over time, but existing permissions have been piecemeal and unsatisfactory, hitherto with inadequate control.
- 6.16 The current proposal offers an opportunity for a comprehensive and properly conditioned consent, and thereby allowing the Environment Agency to consider granting the appropriate licence. If this were to proceed, any nuisance could then be controlled by the combined powers of the Environment Agency and the Council's Environmental Health and Trading Standards Section.

Conclusion

- 6.17 Taking all the issues into account, it is considered preferable for the site to be operated and licensed under an approved and appropriate management scheme rather than on the present rather unsatisfactory ad-hoc basis. Arguably the site as it is at present poses more of a potential pollution hazard than if the application were to be approved and the site tidied up.

- 6.18 Amenity concerns are recognised however, and there may be a case for a probationary period or "trail run" permission in line with UDP policy W4 and PPG10. This could reasonably restrict the number of tanks to three for, say, a period of 12 months after which the permanent permission as applied for would become fully effective, subject to the site having caused no nuisance in the meantime.

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. Within one month of the tanks hereby permitted being first used, the applicant shall notify the local planning authority in writing of the date of that commencement of use.**

Reason: In order to clarify the date of commencement of use.

- 3. Notwithstanding the submitted application, the number of tanks shall be restricted to three for a trial period of 12 months from the date of first use as notified under Condition 2 above, and the remaining two tanks shall not thereafter be installed unless or until the local planning authority has confirmed in writing that the Council's Environmental Health Officer has determined that a period of 12 months has passed without his identification of nuisances arising from the use hereby permitted.**

Reason: To safeguard the amenity of the locality.

- 4. A06 (Development in accordance with approved plans)(Drawing nos. 03453/02 and 03453/01c and the "Supporting Statement" received on 11 February 2004.**

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

- 5. When the tanks hereby permitted have been installed and brought into use, all existing temporary and mobile holding tanks and other materials not needed shall be permanently removed from the site within six months of the date of commencement of use as notified under Condition 2 of this permission.**

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity and to ensure security of the site.

- 7. G04 (Landscaping scheme (general) (and shall include some semi-mature trees and native evergreens to accelerate screening).**

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the date of commencement of use as notified under Condition 2 of this permission, and any trees or plants that dies, are removed, or become seriously damaged or diseased which within a period of 5 years from planting shall be replaced in the next planting season with others of similar size and species. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year period.

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

9. G09 (Retention of trees/hedgerows) (None of the existing trees and hedgerows on the site).

Reason: To safeguard the amenity of the area.

10. Any trees planted close to the railway shall be located at a distance in excess of their mature height from railway property.

Reason: In the interests of railway safety.

11. No development approved by this permission shall be commenced until a scheme for the disposal of surface waters has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

12. Any facilities for the storage of liquid wastes shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

13. The external surface of the tanks hereby approved shall be stained a matt forest green, details of which shall first be submitted to and agreed in writing with the local planning authority before development commences, no lettering of any sort applied to the surface of the tanks, and the tanks shall be maintained in good decorative order throughout the period of their use.

Reason: To protect the visual amenities of the area.

14. E05 (Restriction on hours of use (industrial)) (06.30 - 18.00 weekdays and 06.30 - 16.00 Saturday).

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

15. Throughout the duration of the works hereby approved, the existing visibility splays shall be retained. Nothing shall be planted, erected and/or allowed to grow on the triangular area so formed which would obstruct visibility.

Reason: In the interests of highway safety.

16. H05 (Access gates) (set back 10 metres)

Reason: In the interests of highway safety and site security .

17. The development hereby permitted shall not be brought into use until areas have been laid out, consolidated, surfaced and drained within the application site in accordance with the approved plans, for the parking of 10 cars and 10 lorries, and 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.

18. Details of any proposed lighting to be installed at the site shall be submitted in writing to the local planning authority for approval and shall be installed as approved. Lighting shall be directed away from the public highway and no light source shall be visible from outside the extremities of the application site. Lighting shall only be operated during the permitted working hours and at no other time.

Reason: In the interests of highway safety and the amenity of nearby residents.

19. Vehicle movements shall be restricted to a maximum total of 12 trips into and 12 trips out of the site in any 24 hours period.

Reason: In the interests of highway safety.

20. F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

Informatives:

1. HN01 - Mud on highway
2. To avoid operational difficulties on the railway, and in the interests of railway safety no deciduous trees should be located near to the railway.
3. N15 - Reason(s) for the Grant of PP

Hereford and Worcester County Structure Plan

- Policy E14 - Provision for the Disposal of Material**
- Policy E15 - Dangerous and Difficult Waste Materials**
- Policy WD2 - Site Locations**
- Policy WD3 - Criteria for the Disposal of Waste**

Leominster District Local Plan

- Policy A10 -Trees and Woodlands**
- Policy A28 - Development Control Criteria for Employment Sites**
- Policy A54 - Protection of Residential Amenity**
- Policy A70 - Accommodating Traffic from Development**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**12 DCNC2004/0558/F - 2 STOREY EXTENSION TO
CREATE A WORKSHOP RECEPTION AREA WITH
OFFICE ABOVE AT BISHOPS OF BROMYARD, 1 THE
BY-PASS, BROMYARD, HEREFORDSHIRE, HR7 4DJ**

For: Mr. J. Bishop at same address

Date Received:
16th February, 2004

Ward:
Bromyard

Grid Ref:
65602, 54507

Expiry Date:
12th April, 2004

Local Members: Councillor P.J. Dauncey and Councillor B. Hunt

1. Site Description and Proposal

- 1.1 The application site is located on the A44 Bromyard Bypass, adjacent to the Conservation Area boundary and within the Principal Shopping and Commercial Area as shown on Inset Map 13.1 in the Malvern Hills District Local Plan.
- 1.2 The site comprises a petrol filling station, car sales and servicing business with ancillary car washing facilities available to the public.
- 1.3 The proposal is to erect a small two-storey extension to provide additional office and reception space. The extension will be tucked in to the rear of the main show room and abutting the workshops to the rear.

2. Policies

Malvern Hills District Local Plan

Conservation Policy 3 - Setting of Conservation Areas
 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 4 - Primary Shopping Frontages
 Shopping Policy 5 - Secondary Shopping Frontages - Class A2 and A3 Developments
 Shopping Policy 6 - Upper Floors
 Bromyard Shopping Policy 1
 Bromyard Shopping Policy 2
 Bromyard Shopping Policy 3
 Bromyard Shopping Policy 4

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1 - Design

3. Planning History

NC2003/2964/F – Proposed two storey extension. Withdrawn 12th November, 2003.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Head of Engineering and Transport has no objections.

5. Representations

5.1 One letter of representation has been received objecting to the proposal on the following grounds:

- a) impact of extension on car parking behind the garage.
- b) increase in volume of vehicles using the car wash.
- c) Use of parking spaces for waste storage.
- d) Use of grassy bank for parking and potential removal of trees.

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

6. Officers Appraisal

6.1 The proposed development is relatively modest in scale and will have a minimal impact in terms of the visual amenity of the area.

6.2 Concerns have been raised regarding the impact of the proposal on the provision of an appropriate level of on-site parking.

6.3 Sufficient space does exist within the site to meet the needs of the various uses. However, this should be clearly demarcated to avoid congestion and to safeguard the visual amenities and character of the area.

6.4 The proposal is considered acceptable subject to reduction of parking provision and receipt of satisfactory drawings indicating the parking layout.

RECOMMENDATION

That subject to receipt of satisfactory layout plans of the parking areas, 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 until details and samples of the colour finish of the external walls and roof have been submitted to and agreed in writing by the Local Planning Authority. The proposed works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

4 - The area indicated for parking of staff and customer vehicles shall be left free of all other obstructions and available for use prior to the development hereby approved first being occupied. The parking area shall thereafter be retained as approved.

Reason: In the interest of highway safety.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCNC2004/0563/RM - ERECTION OF DETACHED DWELLING (PREVIOUS PLANNING PERMISSION NC2003/0558/0) AT LAND ADJACENT TO THE KNAPP, NODENS LANE, BROMYARD, HEREFORDSHIRE

**For: Invert Surveys Limited, Artec Design Consultants,
38 Kingswood Road, Kingswinford, West Midlands,
DY6 9SZ**

Date Received:
17th February, 2004

Ward:
Bromyard

Grid Ref:
65013, 54686

Expiry Date:
13th April, 2004

Local Members: Councillors P.J. Dauncey and B. Hunt

1. Site Description and Proposal

- 1.1 The site is an overgrown area of land on the north side of a narrow unmade track that leads from York Road to Nodens Lane. The site is bounded on its western side by the rear gardens of the houses in York Road. The site is rising ground. The Knapp recreation park is to the east.
- 1.2 The site is located within a primarily residential area as shown on Inset Map no. 13.0, Bromyard in the Malvern Hills District Local Plan, but is itself identified as an extension to The Knapp recreation ground.
- 1.3 This is an application for approval of reserved matters following an outline planning permission NC2003/0558/O which was for a single dwelling only. The outline permission reserved all matters for future consider.
- 1.4 This application proposes a 5-bedroom dwelling with family room/kitchen, lounge, study, dining room, utility and cloakroom and double garage on ground floor. Since the submission of this application the applicant has submitted amended plans, which lowers the height of the dwelling by 0.5metres so that the ridge height will be 8.2metres and 5metres to eaves. A cross section of the site has also been provided that shows the finished level of the ground floor slab to be 700mm above the height of the adjoining Nodens Lane.

2. Policies

Planning Policy Guidance Note 1 – General Policy and Principles
Planning Policy Guidance Note 3 – Housing

Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns
Housing Policy 17 – Residential Standards
Bromyard Housing Policy 1
Bromyard Recreation Proposal 1

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H1 - Settlement Boundaries and Primarily Residential Areas

3. Planning History

MH943/76 – Nine bungalows and one detached house – refused 14th June 1976

NC2002/0734/O – Dormer bungalow and garage – withdrawn

NC2003/0558/O – The residential development - approved 23rd July 2003

4. Consultation SummaryStatutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Engineering and Transport – no objection subject to condition.

5. Representations

5.1 Bromyard and Winslow Town Council comment as follows: “Council agree to support this application but wish to add as per their comments for the previous application NC2003/0558/O, that the roadway should be made up to County standard and that adequate access be provided for emergency vehicles.”

5.2 Letters of objection to the original plan have been received from:

Mrs. S. Turner-Barratt, Poppy Seed, 28 York Road, Bromyard
Susan Russell, 6 The Knapp, York Road, Bromyard
R.P. Bardsley and H B Pomfret, 24 York Road, Bromyard
R.P. Shearsmith, 26 York Road, Bromyard
Mrs. L.P. Dutson, 38 York Road, Bromyard
Mr. and Mrs. G.M. Knot, 23 York Road, Bromyard
Mr. and Mrs. D.B. Smith, 314 Winslow Road, Bromyard

The main points raised are:

- a) The proposed dwelling is too big and out of keeping with surroundings.
- b) Poor road and vehicular access off York Road.
- c) It will reduce the enjoyment of my garden.

5.3 At the time of this report no comments have been received on the amended plan.

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 This an application for the approval of reserved matters following outline planning permission NC2003/0558/O that was for a single dwelling only. The outline planning permission has established the principle of building a house on this site. Therefore, the determining factors of this application are whether this is an acceptable house type in this locality, impact of the proposal local environment and its impact on neighbours.
- 6.2 The application has been amended from that originally submitted. The amended proposal lowers the height of the proposed dwelling by 0.5 metres. The plan also shows that the ground floor slab level will be 700mm above the level of the adjoining Nodens Lane. In lowering the ridge height of the dwelling and cutting the slab level into the site an acceptable form of development has been achieved that is appropriate to the locality. Further, the dwelling is to be sited some 30metres from the rear of the dwellings in York Road, this separation distance is considered appropriate in achieving an acceptable level of privacy.

RECOMMENDATION

That approval of reserved matters be granted subject to the following conditions:

1 - B01 (Samples of external materials)

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

2 - A09 (Amended plans) (29th March 2004)

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

3 - The ground floor slab level of the dwelling hereby approved shall be as shown on the amended plan received and date stamped 2 April 2004. Development shall be carried out in accordance with the approved details.

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

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

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

5 - H13 (Access, turning area and parking)

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCNC2004/0616/O - SITE FOR A DETACHED SEMI-BUNGALOW WITH GARAGE AT OAKLANDS, EDWYN RALPH, BROMYARD, HEREFORDSHIRE, HR7 4LX**For: Mrs. M. Pursall at above address.****Date Received:**
19th February, 2004**Ward:**
Bringsty**Grid Ref:**
63945, 58050**Expiry Date:**
15th April, 2004

Local Member: Councillors P.J. Dauncey and B. Hunt

1. Site Description and Proposal

- 1.1 The application site is located off the B4214 and is accessed along a private track. It is located within the Settlement Boundary for Edwyn Ralph as shown on Inset Map No. 17.18 of the Malvern Hills Local Plan.
- 1.2 The site currently forms the side garden to Oaklands and has a plot width of approximately 15.2 metres.
- 1.3 The proposal is for outline planning permission for a detached semi-bungalow with garage. The access and siting of the proposed dwelling are submitted with all other matters reserved for subsequent approval.

2. Policies

PPG3 – Housing

Malvern Hills Local PlanHousing Policy 3 – Settlement Boundaries
Landscape Policy 8 – Landscape Standards**Unitary Development Plan**DR1 Design
S3 Housing
H6 Housing**3. Planning History**

84/0192 - Replacement dwelling - Approved 8 March 1984

80/1676 - Continued stationing of residential caravan pending carrying out and completion of renovations and improvement to adjacent dwelling at Oaklands - Withdrawn 5 January 1981

4. Consultation Summary

Statutory Consultations

- 4.1 Forestry Commission - The scale of the proposal will have no effect on the woodland and consequently no comments.
- 4.2 Herefordshire Nature Trust - No response received.

Internal Council Advice

- 4.3 Head of Engineering and Transportation - No objection

5. Representations

- 5.1 Edwyn Ralph Parish Council - Objection on the following grounds: Do not support application as consider an overdevelopment of the site, concern was also expressed at the possibility of drainage from the property into a ditch at the rear which then goes into other properties gardens.

There is permission for a large extension to Oaklands the adjoining property and if this were to be built there would be even more development.

- 5.2 Letters of objection have been received from Mr. McIver, Oakdene, Edwyn Ralph. The main areas of concern are:

- drainage problems likely to be caused by position of soakaways
- existing localised flooding problem
- development likely to set a precedence for further building in the lane
- additional traffic likely to have impact on condition of lane which is already in a dreadful state
- potential overlooking for new development due to close proximity.

- 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 site is located within the Settlement Boundary for Edwyn Ralph where residential development may be acceptable subject to criteria listed under Policy H3 of the Malvern Hills District Local Plan regarding the scale and impact of the development on the character of the area, local amenities and safe access.
- 6.2 However, whilst no elevational or design details are provided of the proposed dwelling concerns are raised regarding the proposed siting and potential overlooking.
- 6.3 In order to ensure that the amenities of occupiers are safeguarded the applicant has been advised to reserve the issue of siting and access to allow further consideration to be given to the most appropriate position for a new dwelling.
- 6.4 It is however concluded that the site is appropriate for a new dwelling subject to sensitive treatment in terms of its siting and design.

6.5 Subject to these restrictions the proposal is considered acceptable and to be in accordance with adopted policy.

RECOMMENDATION

Subject to confirmation that all matters are reserved that outline planning permission be granted subject to the following conditions:

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

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

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

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

3 - A04 (Approval of reserved matters)

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

4 - 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 - 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.

7 - G01 (Details of boundary treatments)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

11 - F18 (Scheme of foul drainage disposal)

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

Informatives:

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

2 - HN01 - Mud on highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**15 DCNC2004/0628/O - SITE FOR NEW DWELLING
ADJOINING AT 17 LOWER WESTFIELDS, BROMYARD,
HEREFORDSHIRE, HR7 4EN****For: Mr. R. Clinton Gurney Storer & Associates, The
Stables, Martley, Worcestershire, WR6 6QB****Date Received:**
20th February, 2004**Ward:**
Bromyard**Grid Ref:**
65037, 54303**Expiry Date:**
16th April, 2004

Local Members: Councillors P.J Dauncey and B. Hunt

1. Site Description and Proposal

- 1.1 The site is located on the east side of 17 Lower Westfield a large detached dwelling, which is located within a primarily residential area as shown on Inset Map 13.0 Bromyard in the Malvern Hills District Local Plan. The site has a frontage of some 15metres and is approximately 30metres in depth.
- 1.2 Public Footpath B1 runs through the site continuing in a southerly direction towards and along the rear boundaries of the dwellings in Oak Close.
- 1.3 This is an outline application to establish the principle of residential development reserving all matters except for means of access for future consideration. There is an existing entrance which is to be altered to provide access.

2. PoliciesPlanning Policy Guidance Note 1 – General Policy and Principles
Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 13 – TransportationMalvern Hills District Local PlanHousing Policy 2 – development in Main Towns
Housing Policy 17 – Residential Standards
Bromyard Housing Policy 1Herefordshire Unitary Development Plan (Deposit Draft)

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

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport has no objection.

4.3 Public Rights of Way Officer. The development would appear to affect the registered right of way B1.

5. Representations

5.1 Bromyard and Winslow Town Council – no reply received at time of report.

5.2 Letters of objection have been received from:

Mrs. J. Foot, Janda, 2 Westfield Close, Bromyard
Mr. & Mrs. L. Davies and Mrs R Thomas, 16 Lower Westfields, Bromyard
S.M. Gale, 22 Lower Westfields, Bromyard
Elizabeth Lloyd, 24 Lower Westfields, Bromyard

The main points raised are:

- a) Over development of the plot
- b) The proposed three bedroom house will be very close to my boundaries
- c) I will lose my privacy
- d) A family house will mean that I would undoubtedly receive noise
- e) Access will be on to a blind bend giving limited visibility
- f) The development will mean a diversion of a Public Footpath

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

6. Officers Appraisal

6.1 This is an Outline application to establish the principle of the single dwelling on part of the garden to 17 Lower Westfields that is being used for the parking of vehicles.

6.2 The application reserves all matters except the vehicular access for future consideration. Access to the development will be off an altered entrance that also serves access to 17 Lower Westfields and is in a position that the Head of Transportation considers will not be detrimental to the interests of highway safety. Although the applicant has provided a plan that indicates the siting of the proposed dwelling this plan does not form part of the application in that siting is a reserved matter to be considered at a later date.

6.3 While, a Public Footpath B1 crosses the site the Public Rights of Way Officer comments that subject to the siting of the dwelling the Footpath may not necessarily need to be diverted.

6.4 Given the site is located in a primarily residential area there is no in principle objection to the erection of a single dwelling on this site.

RECOMMENDATION

That outline 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)(delete means of access)

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)(delete means of access)

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.

Informatives:

1 - HN02 - Public rights of way affected

2 - HN05 - Works within the highway

3 - No development should commence until such time as an order to divert the Public Footpath has been confirmed.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCNE2003/3874/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF THREE NEW DWELLINGS AT OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NA

For: Miton Ltd per Ian Guest & Associates, 3 Juniper Way, Malvern Wells, Worcestershire, WR14 4XG

Date Received:
24th December, 2003

Ward:
Hope End

Grid Ref:
71313, 40718

Expiry Date:
18th February, 2004

Local Member: Councillor R.V. Stockton

1. Site Description and Proposal

- 1.1 The application site is a triangular shaped piece of land at the northern end of Wellington Heath, situated within the Settlement Boundary as identified in the Malvern Hills District Local Plan. The site is approximately 0.2 hectares in extent and is bounded to the west by the C1157 and to the south by the unclassified 66402 road. The roadside boundaries consist of native hedge and within the site are a number of other trees, mainly fruit trees but also a Yew Tree adjacent to the existing property lying on the western boundary of the site. The site slopes markedly from the boundary with the C class road to the boundary of the unclassified road. The site lies within the Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 1.2 This application follows the grant of outline planning permission for three dwellings in December 2002. The current application had been submitted as a reserved matters application, however, due to minor changes in the position of the access and dwellings which were not reserved as part of the outline application, it must be considered as a full application.
- 1.3 The proposal is for the erection of three detached dwellings in similar positions to those previously approved. The design utilises the sloping nature of the site, and requires considerable excavation. The design also picks up from elements of the properties on the opposite side of the minor road. The properties are all three bedroom, with the main entrance and one of the bedrooms situated at the ground floor. The majority of the accommodation is at first floor level. Hipped roofs are utilised to reduce the impact of the properties.

2. Policies

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundary
Housing Policy 17 – Residential Standards
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H6 – Housing in Small Settlements
Policy LA1 – Areas of Outstanding Natural Beauty
Policy LA3 – Setting of Settlements
Policy LA5 – Protection of Trees, Woodlands and Hedgerows

Other Guidance

Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 7 – The Countryside, Environmental Quality and Economic and Social Development

3. Planning History

NE02/3033/O – Outline Planning Permission for three dwellings granted 18th December 2002 (including demolition of existing cottage).

NE2000/3385/O – Demolition of existing dwelling and site for erection of two new dwellings and ancillary garages. Outline Permission granted 13th March 2001.

4. Consultation SummaryStatutory Consultations

4.1 Hyder – no response.

Internal Council Advice

4.2 Head of Engineering and Transportation recommends that any permission be subject to conditions.

4.3 The Chief Conservation Officer advises that given the previous Outline Planning Permission it is considered that comments must be restricted to the possibility of retention of the fine multi-stemmed ash along the eastern boundary. This is shown for retention though may be difficult given the access position that this tree could be retained. If however the applicant can demonstrate that the tree can be protected I would be pleased to discuss this.

5. Representations

5.1 Wellington Heath Parish Council have submitted a lengthy letter of objection, which is attached as an appendix to this report. The main points are summarised below:
Site plan different to that approved at outline stage, into dwellings moved further up site, increased visual intrusion, Yew tree now lost, access further south may impact a Wild Service Tree (wrongly identified on plans as Hornbeam).
Outline permission sought to address the above points.
Condition on Outline should be enforced.

5.2 The Area of Outstanding Natural Beauty Officer – no response.

- 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 Although this application does not strictly conform to the conditions nor approved matters at outline stage, the outline planning permission is a material consideration in the determination of this application. The minor changes to the position of the dwellings has largely been due to the need to be able to turn vehicles on site which could not happen under the previous siting. The vehicular access has been moved slightly further south than previously agreed and as a consequence makes it more likely that the Ash tree can be retained.
- 6.2 Since the development of the site for three dwellings has already been regarded as acceptable in principle the main points for consideration in this application relate to the privacy and amenity issues of nearby residents, the scale and design of the development and the landscape issues. It is considered that despite the elevated nature of the site there will be no undue loss of privacy or amenity to occupiers of the properties on the opposite side of Common Road as a result of this development. Although the main living area is at first floor level and that balconies are included on the design these do not give cause for concern.
- 6.3 The design of the properties themselves are not dissimilar to the relatively modern properties on the opposite side of Common Road. In terms of scale of the properties by modern terms ridge heights of under 7 metres are very modest. Furthermore, the landscaping proposed and excavation of the site mean that the development would not impinge unreasonably on the character and visual amenity of the Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 6.4 Many of the concerns expressed by the Parish Council relate to conditions imposed on the Outline Planning Permission. Whilst that Outline Planning Permission is a material consideration this application cannot be regarded, as an application of reserved matters and those particular conditions if still appropriate, can be re-imposed. Reference is also made to the Yew Tree on site. This is situated very close to the existing cottage which is to be demolished. The submitted layout plan indicates that this Yew Tree is to be removed. Consideration was given at the time of the original Outline Application under code NE2000/3385/O for a Tree Preservation Order but no such Order exists. Given there is existing tree cover on the site the construction of this Yew Tree to that cover is not great. Consequently it is not considered that its loss is of sufficient weight to merit refusal of the application on that ground alone.

RECOMMENDATION

That planning permission be granted to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

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

Reason: In the interests of highway safety.

5 - H03 (Visibility splays)(2 x 33 metres)

Reason: In the interests of highway safety.

6 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

7 - H12 (Parking and turning - single house)(3 cars per house)

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

8 - H26 (Access location)(The Common)

Reason: In the interests of highway safety.

9 - No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the landscape character of the site.

10 - No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.

(d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

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

11 - G19 - Existing trees which are to be retained

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

12 - Any damage caused to any tree which it has been agreed shall be retained shall immediately be notified to the local planning authority and any such remedial work as is advised by the Authority shall be undertaken immediately. As soon as possible thereafter such further work as is necessary to secure the preservation of the tree shall be undertaken in accordance with BS 3998:1989 Tree Work.

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

13 - Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

Reason: To prevent the unnecessary damage to or loss of trees.

14 - The existing dwelling known as Oak Tree Cottage shall be demolished prior to work commencing on the construction of the new dwellings hereby permitted.

Reason: To clarify the terms of this permission.

Informatives:

- 1 - HN1
- 2 - HN4
- 3 - HN5
- 4 - HN10
- 5 - HN13
- 6 - HN22
- 7 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

THE WELLINGTON HEATH PARISH COUNCIL

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

Please Reply to:
The Clerk to Wellington Heath Parish Council
c/o 4 Hopton Close
Ledbury
HR8 2fD

27th January 2004

Dear Mr Pryce,

Planning Application DCNE2003/3874/RM, Oak Tree Cottage

By resolution of the Parish Council on 27th January 2004, I am instructed to write to you informing you that the WHPC objects to the above referenced application as follows:

1. The site plan is different to the Amended Site Layout presented to, and approved by Herefordshire Council Northern Area Planning Committee on 18th December 2002 as NE2002/3033/O (Plan presented was Plan 2821-SK-001A registered by Herefordshire Council on 16 December 2002). This plan is specifically referenced in Condition 5 of the Outline Consent. The plan submitted with the current reserved matters application shows:
 - i. The dwellings have been sited further up the site again, increasing the visual intrusion of these 25 foot high buildings
 - ii. In moving the dwellings back up the site, the existing ancient yew tree is once again shown as being removed. The retention of this tree, as required by MHDLP Landscape Policy 8 B, was specifically addressed by the revised site plan approved by the Northern Area Planning Committee.
 - iii. The new access to "The Common" has been moved southwards and may now impact the roots of the Wild Service Tree which lies on the south-east border of the site (and remains wrongly identified on the plans as a hornbeam).

WHPC understands that the amended plan, as presented and approved to the planning meeting, was specifically negotiated with Planning Officers in order to address the above issues. Given the initial objections to application NE2002/3033/O, and the consideration of siting matters at Outline Stage (c.f. Condition 2 of the Consent), WHPC can see no grounds for accepting the revised site layout submitted at this stage.

2. WHPC does not consider that the plans as provided give adequate information to judge the Landscaping Reserved Matters, given the sensitivity of the site. WHPC notes that Conditions 10, 11, 12, 13, and 15 of the Outline Permission have not been adequately addressed in the current application, although they are relevant to the Landscaping of the development.

WHPC further comments:

1. Conditions 14 and 15 of the Outline Permission must be rigorously enforced if the revised access location is permitted.
2. WHPC urges Herefordshire Council to ensure that Condition 9 of the Outline Application is enforced and also to reinforce the condition to make it clear that permission for the development to use mains sewerage disposal is subject to the capacity of the sewerage system at the time of development, not at the time of planning consent. This condition is critical given recent overflows of the mains sewerage system south (downhill) from the proposed development.
3. Condition 18 of the Outline Permission, requiring tarmaced areas on site to be correctly drained, must be carefully enforced. No run off should be allowed from these areas on to "The Common"; any soakaways should avoid waterlogging of the areas around retained trees. This condition is especially relevant in the siting of the access is revised.

4. Materials to be use in the construction have not been specified. WHPC requests that Herefordshire Council sets careful conditions on the materials to be used. For example, WHPC would not wish to see the proposed brick-on-edge courses on the facing walls in a contrasting colour to the main bricks, given the parishioners dismay when this was not controlled at a recent prominent development in the village.
5. Exterior lighting on the dwellings and the associated access and parking areas should be controlled via planning condition, so as to prevent light pollution.
6. A condition should be set preventing the use of the unauthorised access to the site for either delivery of materials to the site or for removal of demolition or other material. This unauthorised access is immediately on a dangerous junction and its further use would be a major safety hazard.
7. For avoidance of doubt, all conditions of the Outline Condition should be restated or re-referenced in any future consent.

Yours sincerely

Andrew P. Sims
Chairman,
Wellington Heath Parish Council

17 DCNE2004/0539/F - EXTENSION TO EXISTING WAREHOUSE AT THE SPRINGS, WALWYN ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6QG**For: Coca Cola Enterprises, Pickering & Associates,
Independence House, Queen Street, Worcester, WR1
2PL****Date Received:**
16th February, 2004**Ward:**
Hope End**Grid Ref:**
75744, 42666**Expiry Date:**
12th April, 2004

Local Members: Councillors R. Mills and R.V. Stockton

1. Site Description and Proposal

- 1.1 This application is for the erection of an extension to the warehouse building on the Coca Cola Site at Colwall. The proposed building measures approximately 10 metres by 30 metres and an eaves height of approximately 6.3 metres and a ridge height of approximately 7.1 metres. This is slightly lower than the existing warehouse building to which it will be adjoined. The building will be steel framed and steel clad. The proposal also involves a demolition of an existing two-storey element on the northwest end of the existing warehouse building.
- 1.2 The proposal also involves the removal of the grass-covered mound adjacent to the existing warehouse, which houses disused effluent tanks.
- 1.3 The site lies within the Area of Outstanding Natural Beauty and within an Area of Great Landscape Value.

2. PoliciesHereford and Worcester County Structure Plan

Policy CTC1 – Areas of Outstanding Natural Beauty
Policy CTC2 – Areas of Great Landscape Value
Policy E6 – Industrial Development in Rural Areas

Malvern Hills District Local Plan (Herefordshire)

Policy LAN2 – Areas of Outstanding Natural Beauty
Policy LAN3 – Areas of Great Landscape Value
Policy EMP2 – Retention of Existing Industrial Land

Herefordshire Unitary Development Plan (Deposit Draft)

Policy E10 – Employment Proposals within or Adjacent to Rural Settlements
Policy LA1 – Areas of Outstanding Natural Beauty

Colwall Village Design Statement

3. Planning History

No recent planning history.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection.

5. Representations

5.1 In support of the proposal the applicant's agent advises that the application is to extend the existing warehouse, which has an internal floor area of 284 m² by a further 286 m². The increased storage area is not required through an increase or planned future increase in production but through a necessity to improve the efficiency in the sites storage and handling of finished goods and to improve safety on site.

5.2 The finished goods are palletted bottles of mineral water, which are handled by forklift trucks. At present the quantity of palletted goods stored exceeds the capacity of existing warehouse and are stored in various locations around the factory. There will be an improvement in the site safety if all finished goods can be stored in one area.

5.3 There will be no increase in the number of persons employed and no change in the working hours of those employed. The 50 existing staff and visitor parking spaces are more than are required for the operation of the site with the majority remaining unused on a daily basis. There will be no increase to the numbers nor changes to the types of collection and delivery vehicles as a consequence of this development.

5.4 Colwall Parish Council has no objection.

5.5 The Malvern Hills Area of Outstanding Natural Beauty Planning Group advise: "We are particularly concerned with the views from the hills and hope that any extension will take this into consideration by using roofing materials and its colour does not stand out unnaturally and that the height of the extension does not exceed that of the original building. We would be grateful if you could build such conditions into a new approval."

5.6 Objections have been received from:

Miss S. Ballard of Lamorna, Broadwood Drive, Colwall
G. & G. Hogston of Field House, Three Acorn Close, Colwall
Miss V. Probert of Avola, Harper Drive, Colwall
J. Gibson of Woodbank, Cowl Barn Lane, Colwall
E.R. Lane of Rhea House, Walwyn Road, Colwall
Mary Roberts of Tarradale, Colwall
R. & M. Hurst of The Knell, Walwyn Road, Upper Colwall
Mr. McGregor of Larkfield House, Harper Drive, Colwall
Miss F.M. Ballard of Broadwood Drive, Colwall

The objections can be summarised as follows:

- a) Additional congestion
- b) Additional noise and pollution from vehicles
- c) Believe it will lead to increased production
- d) The views from the Malvern Hills and the Area of Outstanding Natural Beauty will be adversely affected.
- e) The modern building is out of character with the original Victorian structure.
- f) We received no notification from either the applicant or the Council only became aware of the application when we saw the site notice.
- g) Vehicles parked overnight.
- h) Site plan out of date.

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

6. Officers Appraisal

6.1 The proposal is for a modest extension to the existing warehouse facility. The extension is to be accessed via the existing warehouse building, the only door being a pedestrian fire exit. The site is set well back from the main road behind existing planting. The proposal also involves the demolition of an unsightly element on the front of the existing warehouse. The ridge height of the new extension does not exceed that of the existing warehouse.

6.2 It is not considered that the proposal will have an unreasonable detrimental impact upon the views from the Malvern Hills nor upon the character or visual amenity of the Area of Outstanding Natural Beauty. It is not considered that the proposal will lead to any unreasonable or undetrimental impact to the amenity to the neighbours. It is therefore considered that the proposal complies with the relevant adopted policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**18 DCNE2004/0703/F - RESIDENTIAL DEVELOPMENT OF
11 DWELLINGS, ACCESS, PARKING AND GARAGING
AT 26 & 28 ALBERT ROAD, LEDBURY,
HEREFORDSHIRE, HR8 1DW**

**For: Rural Homes, 43 Hagley Road, Stourbridge, West
Midlands, DY8 1QR**

Date Received:
26th February, 2004

Ward:
Ledbury

Grid Ref:
70240, 37317

Expiry Date:
22nd April, 2004

Local Member: Councillors B.F. Ashton, P.E. Harling & D.W. Rule

1. Site Description and Proposal

- 1.1 This 0.32 hectare site is located on the south western side of Albert Road, Ledbury and presently contains two bungalows, numbers 26 and 28.
- 1.2 The proposal is to demolish the two bungalows and replace with eleven dwellings. The site has a road frontage of 52m and a depth of 62m. Seven dwellings will front onto Albert Road and contain two pairs of semi-detached dwellings either side of a terrace of three. Five of the dwellings will be 2-bed and two will be 3-bed. A central access will provide access to the rear of the frontage dwellings for parking and also access to three 4-bed dwellings and one 5-bed dwelling.
- 1.3 In total 22 car-parking spaces are proposed and 4 garages.
- 1.4 The access junction will be built out into Albert Road and a footpath created across the frontage of the site.
- 1.5 Members will recall that a planning application last year was refused and an appeal dismissed for 12 dwellings on this site. (Appended to the report).

2. Policies

PPG3 – Housing

Hereford and Worcester County Structure Plan

H13 – Location of Growth

H18 – Housing in Rural Areas

T12 – Car Parking

CTC9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 1 – Land for New Development
Housing Policy 2 – Development in Main Towns
Housing Policy 17 – Residential Standards
Housing Policy 18 – Tandem Development
Transport Policy 8 – Car Parking & Service Requirement
Transport Policy 10 – para.8.13 Traffic Impact
Transport Policy 11 – Traffic Impact

Ledbury Policies

Environmental Policy 1
Housing Policy 2

Unitary Development Plan – Deposit Draft

H1 – Settlement Boundaries and Primarily Residential Areas
H9 – Affordable Housing
H13 – Sustainable Residential Design
H14 – Re-using Previously Developed Land and Buildings
H16 – Car Parking
H19 – Open Space Requirements
RST3 – Standards for Outdoor Playing and Public Open Spaces

3. Planning History

NE02/3901/F - Residential redevelopment comprising of 12 dwellings, access, parking and garaging - Refused 6 May 2003. Appeal dismissed 17 November 2003.

NE03/1891/F - Residential development comprising of 10 dwellings, access, parking and garaging - Withdrawn.

4. Consultation SummaryStatutory Consultations

4.1 Severn Trent observations are awaited.

4.2 Welsh Water raise no objections.

Internal Consultations

4.3 Head of Engineering recommends conditions.

4.4 Chief Conservation Officer raises no objection on archaeological or landscape grounds.

5. Representations

- 5.1 CPRE comment: "The current proposals are so similar to earlier proposals in respect of the density, design and layout of the houses that we can only reiterate earlier comments.

We are concerned about the traffic problem. Albert Road is narrow and has no pavements. There is much street parking. We think all additional houses would seriously exacerbate the situation and create further problems for emergency vehicles since in all likelihood there would be additional street parking.

The proposed housing development would be quite alien to the style of buildings in Albert Road. It would in our view be unattractive and obtrusive. General guidance on housing density should not, we suggest, be applied indiscriminately in an old market town with a character worth preserving.

We therefore ask the Council to refuse this application."

- 5.2 Ledbury Town Council - comments awaited
- 5.3 Ledbury & District Society Trust Ltd comment: We are writing to object to this application. We believe that the plans represent an over-development of the site, bearing in mind the restricted access to and from a narrow and busy side-road with little or no off-street parking.
- 5.4 Ledbury Area Cycle Forum – " I am writing to object to this application on grounds of access and the detrimental effect it would have on the safety of pedestrians and cyclists in the area.

The situation is unchanged since Herefordshire Council refused a previous application, number NE02/3901, for 12 dwellings on the site. As you know, this went to appeal, which found in favour of the Council's decision. Bella Johnson wrote to you on behalf of Ledbury Area Cycle Forum (LACF) to object to the former application on 13th February 2003, while I was out of the country. I wrote on 5th August 2003 to object to another application for that site, number NE03/1891F, which was subsequently withdrawn. All points made in those letters remain applicable. The Planning Inspectorate, in its decision dated 17th November 2003 to refuse the appeal on NE02/3901, stated (para. 5.) that the 'internal appearance of the site would be dominated by parking...' This appears to have been addressed by breaking up the parking areas with shrubs. However, in doing so, all parking (22 spaces and 4 garages - three less overall than previously) is effectively allocated to dwellings. In particular, parking for the rear row of four- and five-bedroom dwellings is shown within the curtilages. Therefore, if residents of a particular dwelling owned their full allocation of cars, there would be no visitor parking for that dwelling. This situation is most likely to arise in respect of the 7 dwellings in the front row (2 spaces each). No proposed dwelling is listed as 'affordable' in the application form: therefore it is highly likely these would each be occupied by two people, both needing to go out to work, probably in different locations, thus necessitating two cars. The Inspectorate's report relating to the NE02/3901 appeal stated (para. 6.) that it did not consider any existing parking problem in Albert Road would be a reason to refuse planning permission 'provided the development itself did not lead to additional on street parking in Albert Road'. This revised parking arrangement would increase the likelihood of visitors' cars being parked in Albert Road, while the allocation of 2 or 3 spaces per dwelling would encourage car ownership on the site. This would result in a considerable number of extra cars using these narrow roads on a regular basis, with an increased parking problem in Albert Road itself.

Albert Road is very narrow (6.1m from the wall of number 26 to that of number 39, opposite). This is an absolute maximum width: the carriageway is somewhat less than this. The road has no pavement and is narrowed even further by parked cars, many of whose owners have nowhere else to park. This situation compromises the safety of pedestrians and cyclists, particularly children and the elderly. The Inspector's report (para. 7.) states that 'as a result of the parking along the road traffic speeds are very low'. Unfortunately, this is not always the case. I have once been forced into a gateway by a speeding car whilst on my bicycle and have witnessed such behaviour on several occasions. Others have reported similar experiences.

Both exits from Albert Road (onto Victoria Road and Little Marcle Road) have poor visibility. Victoria Road is similarly narrow and without a pavement, and is the route many residents take when going to Ledbury town centre. The alternatives are: either via the northern end of Victoria Road and Bridge Street or via the southern end of Victoria Road, Oatleys Road and Woodleigh Road to New Street. The latter is the shortest route to the closer of the town's supermarkets. Oatleys Road is narrow, has a tight double bend and is mostly without a pavement. There is a particularly narrow exit onto New Street from Woodleigh Road, where there is also no pavement. Bridge Street is too narrow for the amount of traffic it often has to take. Cyclists and pedestrians could use the Town Trail instead, but they would need to go via either Victoria Road or Little Marcle Road to reach it.

The plan view showing a pavement along the frontage of the site, with build-outs either side of the access road, is no different from previous applications. The build-outs would narrow Albert Road even more at this point. The scale of this drawing is shown as 1:200, but measurements across Albert Road taken from the drawing as drawn, compared with its actual width (6.1m absolute maximum), indicate that the drawing (as lodged in St. Katherine's) is actually no more than 1:165.

It therefore gives the impression that Albert Road is wider than it really is. Assuming the drawing is dimensionally correct *pro rata*, the build-outs would reduce the main line of Albert Road to 4.5m at most. Pinch-points such as this increase danger to cyclists.

At a time when central government is encouraging walking and cycling, and Herefordshire Council is promoting a Safer Routes to School scheme in Ledbury, this over-development and consequent increase in motor traffic would be detrimental to the whole neighbourhood. We therefore ask you to reject this application.

At a time when central government is encouraging walking and cycling, and Herefordshire Council is promoting a Safer Routes to School scheme in Ledbury, this over-development and consequent increase in motor traffic would be detrimental to the whole neighbourhood. We therefore ask you to reject this application.

If, however, Herefordshire Council sees fit to permit this development, LACF would like to know what measures the Council will take to ensure the safety of pedestrians and cyclists in the area is not compromised, including during the construction phase. Such measures could include access restrictions (ie. residents' and visitors' motor vehicles only) to affect **all** the network of roads in the area; namely Albert Road, Victoria Road, Oatleys Road and Crescent, and Woodleigh Road, and/or designate the whole area a 'Home Zone'. This would reduce the amount of through traffic that uses these roads to get to, for example, the waste reclamation site in Little Marcle Road. We suggest 'planning gain' is used to finance such measures if this application is permitted.

No form of one-way system should be considered since it would cause considerable inconvenience to all existing residents, particularly cyclists. It would also increase traffic on other roads in the network. Traffic speeds have **increased** in many cases where such schemes have been introduced elsewhere".

We request that the Council's Transportation and Highways Departments looks at all the road safety issues I have raised in this letter".

5.5 A petition signed by 88 people together with 19 letters of objection has been received, the main points raised are:

- 1) This is an overdevelopment of the site.
- 2) It will have a negative environmental impact on the existing trees and wildlife.
- 3) Will exacerbate an already difficult parking and traffic situation in Albert Road which also causes problems for refuse vehicles and ambulances and does not comply with the safety routes to school policy.
- 4) The previous application was dismissed by the Appeals Inspector and this position should be maintained.
- 5) It will not meet the needs of younger families in Ledbury who will not be able to afford these houses.
- 6) The exits from Albert Road onto Little Marcle Road and Victoria Road are dangerous and the additional units will only increase the problem.
- 7) Access to numbers 39 and 41 Albert Road opposite the site would be impacted upon and possibly not able to get cars in off the road and therefore mean that two extra cars would need to park on the road.

- 8) The proposal is contrary to Housing Policy 17 in that it will not create an interesting and attractive visual environment.
- 9) Impact of amenity/privacy with proposed dwellings subject to existing houses in Albert Road and Churchill Meadow to the rear.
- 10) They would be great stress on residents during demolition and building.

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

6. Officers Appraisal

6.1 The site lies within the Settlement Boundary for Ledbury as identified in the Malvern Hills District Local Plan and the replacement of 2 bungalows with 11 dwellings which equates to 34.37 dwellings per hectare is at the lower end of the 30 – 50 houses per hectare target laid down by PPG3.

6.2 The development also provides a mix of dwelling types from 2, 3, 4 & 5 bed terraced, semi-detached and detached dwellings.

6.3 In dismissing the previous appeal on this site the Inspector considered that there were two main criteria for the application to be considered under (i) impact and character and (ii) traffic impact.

- (i) The Inspector considered that the intensification of development was acceptable and in particular supported the manner in which the frontage development was proposed. This has been retained with this proposal. However, she was critical of the terraced units to the rear, which provided a hard urban form. This proposal has reduced the number of dwellings from five to four and they are all detached with 'fingers' of landscaping protruding in front of them. They are also slightly angled into the site but still all have rear boundaries of at least 10 metres. The parking access is still retained but in a more imaginative layout rather than the regimented form previously.

The Inspector concerns regarding the impact on Well Cottage has been noted by the applicants who have moved the parking spaces so that at its nearest point it is over two metres away compared to 0.2m. This area will now be used to form a landscape buffer.

- (ii) The Inspector acknowledged that Albert Road was narrow with no pavement but considered that the existing problems were not a reason in itself to prevent intensification of development on the appeal site provided off-street parking was provided for the new development. This proposal still maintains off-street parking for the new development. Furthermore, the Inspector considered that the existing traffic problems inhibit traffic speeds and the additional traffic would therefore not diminish highway safety. The Inspector also considered that the parking and access concerns of residents who live opposite might be improved as the new access to the development site would discourage parking and that if necessary other measures could be taken to prevent street parking.

- 6.4 It is therefore considered that the application fully addresses the concerns of the Inspector in that the hard urban form to the rear has been amended and additional land has been provided to enhance landscaping on the site. The concerns of the local residents, CPRE, LDST and Cycle Forum are noted however the proposal is considered to comply with the Development Plan and importantly the comments of the Inspector on the dismissed appeal.
- 6.5 Finally, the Inspector noted that traffic emerging from the site and travelling down hill to Little Marcle would be less likely to encounter difficulties. Members may wish to instruct the Council's Head of Engineering to consider the imposition of a one-way system for Albert Road.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: In order to clarify the terms of this permission.

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

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

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

Reason: To protect the amenity of local residents.

- 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 - H03 (Visibility splays)**

Reason: In the interests of highway safety.

- 9 - H06 (Vehicular access construction)**

Reason: In the interests of highway safety.

10 - H11 (Parking - estate development (more than one house))

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

11 - H13 (Access, turning area and parking)

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

12 - H17 (Junction improvement/off site works)

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

13 - H21 (Wheel washing)

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

14 - H27 (Parking for site operatives)

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

15 - The development hereby approved shall not be occupied until the footpath/pavement at the front of the site has been completed in full to the satisfaction of the local planning authority.

Reason: To ensure the satisfactory completion of the footpath/pavement.

Informatives

- 1 - HN07 - Section 278 Agreement
- 2 - HN10 - No drainage to discharge to highway
- 3 - HN17 - Design of street lighting for Section 278
- 4 - HN19 - Disabled needs
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



Appeal Decision

Site visit made on 03 November 2003

by **Leonora J Rozee BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

17 NOV 2003

Appeal Ref: APP/W1850/A/03/1123394
26 and 28 Albert Road, Ledbury, HR8 2DW

- 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 made by Rural Homes against the decision of Herefordshire Council.
- The application (Ref.NE2002/3901/F), dated 22 December 2002, was refused by notice dated 6 May 2003.
- The development proposed is residential development comprising 12 dwellings, access, parking and garaging.

Summary of Decision: The appeal is dismissed.

Main Issues

1. There are two main issues in this case. Firstly, whether the proposed development represents over-development of the site, out of character with the locality and, secondly, the impact of the proposal on highway safety in Albert Road.

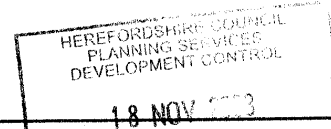
Planning Policy

2. The Council refer to 2 policies in the adopted Malvern Hills District Local Plan – Housing Policy 17 and Transport Policy 11. Housing Policy 17 sets out a number of factors which housing schemes should have regard to. Factors A) and C) are of particular relevance in this case. A) states that “*the layout and design of the proposed development should create an interesting and attractive visual environment through imaginative use of landscaping and open space*” and C) states that “*the siting and detailed design of buildings with regard to density, form, scale, height, colours and materials, should be sympathetic to the character of neighbouring buildings and to the locality*”. Transport Policy 11 of the Local Plan seeks to ensure that the environmental consequences of safely accommodating traffic on the highways are acceptable.

Reasons

Issue i – impact on character of the area

3. The appeal site comprises 2 bungalows set in spacious plots which lie within a predominantly residential area. Albert Road is characterised by a mix of house types, styles, ages and forms set in a variety of plot sizes from the relatively spacious, such as those forming the appeal site, to the very constrained where small terraced houses have no on site parking and limited space to the front of the dwellings. In my view, intensification of development on the appeal site would not, in principle, be harmful to the character of this area because of its very mixed character.



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4. However, I consider that the scale of the development proposed for this site is excessive because it would create a hard urban form which would be unsympathetic to its surroundings. Although much of the development in Albert Road comprises small high density housing, the more spacious properties such as the appeal site and the mature vegetation which they support help to create an attractive residential environment.
 5. The frontage dwellings replicate the character of the smaller dwellings in Albert Road and I see no objection to their style and layout. However the terraced form of the rear dwellings has a poor relationship to the neighbouring properties, particularly Well House which is set back into its site bringing its rear wall close to the proposed parking spaces behind Plot 12. The internal appearance of the site would be dominated by parking with limited opportunity to soften the impact of the road and parking area by imaginative landscaping. I note, in particular, that the development would lead to the loss of mature trees and established boundary vegetation which would diminish the quality of the environment in this area. Whilst I see no difficulty in principle with development in depth on this wide parcel of land, the scale of the development proposed leads to a form which would create an uninteresting and unattractive environment contrary to Policy H17(A) and it would be unsympathetic to its surroundings contrary to Housing Policy H17(C).

Issue ii – traffic impact

6. Albert Road is narrow and it has no footways. At the time of my visit there was extensive parking along the street although I observed that a significant number of properties have on site parking. Nevertheless, I note from photographs submitted by those opposing this proposal that parking is a problem in this road and that this has an impact on the ability of service vehicles to use the road. However, I do not consider that any existing parking problem in this road is a reason in itself to prevent the intensification of development on the appeal site, provided the development itself did not lead to additional on street parking in Albert Road. Any existing problems are a matter for the Highway Authority to consider. Parking for 28 cars (including 7 garages) is proposed which allows for 2 spaces per dwelling plus some visitor parking. In my view this is sufficient to prevent the development leading to additional parking in Albert Road.
 7. I note that the Council and the local residents are concerned about the impact of traffic generated by the site on highway safety in the road. However, as a result of the parking along the road traffic speeds are very low as the parked cars act as natural speed inhibitors. Thus, whilst the development would generate additional traffic movements it does not follow that these movements would result in diminished highway safety. I also note that the site is at the lower end of the road where parking on street did not seem so intensive. Traffic exiting the site and travelling south westwards onto Little Marcle Road would be less likely to encounter difficulties than those travelling north eastwards to Victoria Road.
 8. As to the impact of the proposed new junction on those living opposite the site, it is my view that their ability to access their properties might be improved as there would no longer be any roadside parking at the point of the access. The configuration of the junction should discourage parking close to it and measures could be taken to prevent on street parking to the front of Plots 8-10 if this was considered necessary.
 9. I conclude on the second issue that, whilst the traffic conditions on Albert Road are far from ideal the proposed development would not be likely to lead to significantly worse highway
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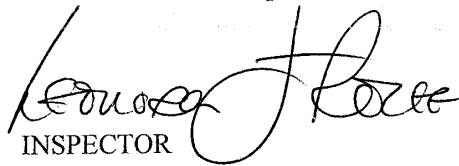
or pedestrian safety or conflict with Transport Policy 11. In this respect I note that the Transportation Officer of the Council did not object to this proposal.

Conclusions

10. My overall conclusions are that this development should not be permitted because it represents over-development of this site in conflict with Housing Policy H17(A) and (C). I looked at the new development at Leadon Place to which I was referred by the appellants. However, although the style of that development may be similar the nature and location of the site is distinctly different so I do not consider that it represents any precedent in favour of the development before me. I had also had regard to all other matters raised, particularly those raised by the local residents.

Formal Decision

11. In exercise of the powers transferred to me, I dismiss the appeal.


INSPECTOR

