

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 19th May, 2004**

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Time: **2.00 p.m.**

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Place: **Brockington, 35 Hafod Road,  
Hereford**

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

*For any further information please contact:*

*Heather Donaldson, Room 20, Brockington,  
35 Hafod Road, Hereford, HR1 1SH*

**Tel: 01432 261829,**

**Email:**

***hdonaldson@herefordshire.gov.uk***

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>3. MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 21st April, 2004.</p> <p><i>(Note: Due to a problem with the email system, the minutes will be sent "To Follow" as soon as possible)</i></p>	
<p><b>4. ITEM FOR INFORMATION - APPEALS</b></p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	1 - 4
<p><b>5. HEAD OF PLANNING SERVICES REPORT</b></p> <p>To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the northern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.</p> <p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p>In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.</p>	5 - 70

**RECOMMENDATION:** THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

**6. ITEM FOR INFORMATION - ENFORCEMENT**

71 - 72

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

**(This item discloses:**

- **Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
  - (a) any legal proceedings by or against the authority, or**
  - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in contemplation).**
  
- **Information which, if disclosed to the public, would reveal that the authority proposes:**
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
  - (b) to make an order or direction under any enactment.**
  
- **Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)**

**7. DATE OF NEXT MEETING**

To note that the next Northern Area Planning Sub-Committee will be held on 16th 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.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
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- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Please Note:**

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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





**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Enforcement Appeal No. EN2004/0006/ZZ**

- The appeal was received on 6th April 2004
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr W.R. White
- The site is located at The Prancing Pony Public House, Stiffords Bridge, Cradley, Malvern, Worcestershire, WR15 5NN
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use as car park and utility land used in association with the adjacent public house to a mixed use as car park and utility land used in association with the adjacent public house and use for the parking and operation of heavy goods vehicles"
- The requirement of the notice is: Stop using the land for the parking and operation of heavy goods vehicles.
- The appeal is to be heard by Written Representations

**Case Officer: Mark Tansley on 01432-261956**

**Application No. DCNC2003/3432/F**

- The appeal was received on 13th April 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs H.J. Crankshaw
- The site is located at Willow Cottage, Stoke Prior, Leominster, Herefordshire, HR6 0LG
- The development proposed is Single storey extension
- The appeal is to be heard by Written Representations

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

**Application No. DCNC2003/3433/L**

- The appeal was received on 13th April 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs H J Crankshaw
- The site is located at Willow Cottage, The Bury, Stoke Prior, Leominster, Herefordshire, HR6 0LG
- The development proposed is Single storey extension
- The appeal is to be heard by Written Representations

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

**Application No. DCNC2003/3212/F**

- The appeal was received on 20th April 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs D. Farrell
- The site is located at Dovedale, Ullingswick, Hereford, Herefordshire, HR1 3JQ
- The development proposed is Two-storey rear extension and conservatory
- The appeal is to be heard by Hearing

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

**Application No. DCNC2004/0370/F**

- The appeal was received on 26th April 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs J & O White
- The site is located at New Pentwyn, Risbury, Leominster, Herefordshire, HR6 0NH
- The development proposed is Six metre camera mast
- The appeal is to be heard by Written Representations

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

**Application No. DCNC2003/3684/F**

- The appeal was received on 5th May 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs C Knight
- The site is located at Ground Floor, 20 Broad Street, Bromyard, Herefordshire, HR7 4BT
- The development proposed is Change of use to A2 (To include Volunteer Bureau).
- The appeal is to be heard by Written Representations

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

**Application No. DCNE2003/2798/F**

- The appeal was received on 5th May 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Miton Ltd
- The site is located off Station Road, Colwall
- The development proposed is Proposed erection of 10 three-bedroomed dwellings
- The appeal is to be heard by Written Representations

**Case Officer: Mark Tansley on 01432-261956**

## APPEALS DETERMINED

### Application No. NE2003/1303/V

- The appeal was received on 2nd September 2003
- The appeal is made under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal in part to grant a lawful development certificate (an LDC)
- The appeal is brought by Mr J Cargill & Miss S Pick on behalf of the Residents of the Deer Park Estate, Ledbury
- The site is located at The Deer Park Estate (dwellings & development site), Ledbury, Herefordshire
- The application, dated 28th March 2003, was refused in part on 23rd May 2004
- The operations for which an LDC was sought were:
  1. Remove signs saying: "No Public Right of Way for vehicles";
  2. Remove fence from across carriageway;
  3. Remove from the carriageway all stone walls, soil, grass, plantings; and other obstructions to road access;
  4. Return surface of carriageway to a metalled surface fit for use as the means of Deer Park Estate road access;
  5. Carry out all other engineering works necessary to return the Deer Park Estate development to the design approved for it under outline planning permission O/34735.
- The part refused relate to (i) the description of the address of the land concerned and (ii) the reasons for the issue of the LDC

**Decision:** The appeal was **DISMISSED** on 7th April 2004.

An application for costs by Miss Pick & Mr. Cargill failed and no award of costs is made.

An application for costs by Herefordshire Council is **ALLOWED**

**Case Officer: Alan Poole on 01432-261782**

### Application No DCNE2003/2023/O

- The appeal was received on 9th September 2003
- The appeal was made under Section Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. A. Smith
- The site is located at land adjacent to The Old Post Office, Putley, Nr. Ledbury
- The development proposed was residential development comprising 5 no. units and construction of new vehicular access.
- The appeal was heard by the Hearing procedure

**Decision:** The appeal was **DISMISSED** on 7th May 2004.

An application for costs by Herefordshire Council is **ALLOWED**

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

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



**19TH MAY, 2004**

**SITE INSPECTIONS**

<b>NO</b>	<b>APPLICANT</b>	<b>PROPOSAL AND SITE</b>	<b>APPLICATION NO.</b>	<b>PAGE NO.</b>
1	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	9 – 24
2	HVR Smith & Co	Proposed extensions to existing storage facility to form bulk storage and general purpose grading area at Larksfeld, Kimbolton	DCNC2004/0107/F	25 – 36
3	Mr R Clinton	Site for new dwelling adjoining at 17 Lower Westfields, Bromyard	DCNC2004/0628/O	37 – 40

**APPLICATIONS RECEIVED**

<b>NO</b>	<b>APPLICANT</b>	<b>PROPOSAL AND SITE</b>	<b>APPLICATION NO.</b>	<b>PAGE NO.</b>
4	KMH Property Developments Ltd	Change of use to residential 3 no. apartments, 3 no. houses, garages and parking spaces and associated drainage at Stretton Grange Retirement Home, Stretton Grandison	DCNE2003/3706/F	41 – 48
5	Miton Ltd	Demolition of existing dwelling and erection of 3 new dwellings at Oak Tree Cottage, Wellington Heath	DCNE2003/3874/F	49 – 56
6	Somerfield Stores Ltd	Removal of condition 7 of planning consent MH92/1564, Somerfield Stores Ltd, New Street, Ledbury	DCNE2004/0241/F	57 – 60
7	Mr R Fowler	Removal of agricultural occupancy restriction (condition 3 of planning permission MH93/1468) at The Farm, Paunton, Bishops Frome	DCNE2004/0863/F	61 – 64

8	Canon Frome Developments	Site for detached dwelling at Forge Courtyard, Canon Frome	DCNE2004/0951/O	65 – 68
9 & 10	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	69 – 76
11	Morpheus Construction Ltd	Conversion of existing building to create 4 one-bedroomed and 4 two-bedroomed residential units at 19 Pump Street, Bromyard	DCNC2004/0614/F	77 – 80
12	Mr and Mrs B Shaw	Residential development for approval of reserved matters under outline planning permission NC2000/3426/O at land adjoining Belmont, Stoke Prior	DCNC2004/0778/RM	81 – 86
13	John Ruck Construction	Extension of industrial parking area (retrospective application) at Longmead, Elms Green, Leominster	DCNC2004/0877/F	87 – 90
14	Bioganix Ltd	Pilot plant for accelerated composting of organic material for 5 years at Wharton Court, Wharton	DCNC2003/1895/N	91 – 108
15	Mr W J Price	Retrospective application for residential gypsy site for one residential caravan, dayroom and car parking at Smokey Quarry, Lower Lye, Aymestrey	DCNW2004/0645/F	109 – 114
16	Messrs Betts & Evans	Change of use of timber yard and builders merchant to refurbishing, jetting and vacuum treatment of tanker lorries, and hires and sales of the same at former Keeble Timber Yard, Kinnersley	DCNW2004/0695/F	115 – 124
17	Mr J P Raymond	Agricultural workers dwelling and attached garage at land at Quebb, Bollingham, Kington	DCNW2004/0746/F	125 – 130
18	Mr and Mrs S Williams	Detached garage on land adjoining Littlebrook Cottage, Lyonshall	DCNW2004/0750/F	131 – 134

19	Mr C S French	Construction of all weather corral for associated equestrian use at Millfield, Kingsland	DCNW2004/0759/F	135 – 140
20	Mr and Mrs K Ellis	Two storey extension at Forest Lodge, Dark Lane, Leintwardine	DCNW2004/0885/F	141 - 144





**1 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: Goveners 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  
**Expiry Date:**  
5th March 2004

**Ward:**  
Castle

**Grid Ref:**  
36255, 45058

Local Member: Councillor J Hope

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

**1. Site Description and Proposal**

- 1.1 The application site comprises an irregularly shaped 1.5 hectare piece of sloping agricultural land which is located on the north side of the A438 and the western edge of Staunton on Wye. Its southern boundary with the A438 is defined by a mature hedgerow which partially obscures the elevated nature of the site and the remaining agricultural land to the west. Immediately to the east of the application site are the rear gardens of a total of 6 existing dwellings (outline permission exists for a further property between Brigadoon and Linton). This boundary is defined by a drainage ditch and a combination of hedgerow, and domestic fencing. The northern boundary is again defined by established hedgerow with an existing field gate. In addition to the hedgerow the northern boundary is defined partly by the C1090 which links Staunton on Wye to the A438 to the west and partly by a public footpath (known as Coffin Lane) which also provides vehicular access to a number of dwellings beyond and to the north of the footpath.
- 1.2 The site lies entirely outside the settlement boundary for Staunton on Wye which is defined by the garden curtilages of the properties which bound it. The existing agricultural land is classified as high quality, Grade 1, land and its open sloping characteristics are most readily viewed from an elevated position on Tin Hill to the south-west where it can be seen in conjunction with the existing residential properties and the commanding Grade II listed Staunton on Wye School which accomodates the Staunton on Wye Endowed Primary School.
- 1.3 Whilst the main views into the site are from the Area of Great Landscape Value, the site itself is not designated as such with the existing boundary being the southern side of the A438.

- 1.4 Outline planning permission is sought for the provision of a new primary school on this 1.5 hectare plot of agricultural land to replace the existing school housed at Staunton on Wye. All detailed matters relating to external appearance, siting, means of access, design and landscaping have been reserved for future consideration but indicative site plans and landscaping proposals have been submitted in the form of a Supporting Statement which is accompanied by a Transport Assessment.
- 1.5 The indicative plans indicate that access would be derived from the C1090 at a point directly opposite Doctors Pool Cottage requiring the removal of approximately 65 metres of hedgerow. This vehicular access would serve a combined parking and turning area. The school facility would comprise a total footprint of 1325 metres<sup>2</sup> with a further 425 metres<sup>2</sup> of hardsurfaced play area and 1650 metres<sup>2</sup> of playing field. The proposed new primary school would have the capability of accommodating a total of 90 pupils (3 classrooms) taking the form of two individual buildings of 725 metres<sup>2</sup> and 600 metres<sup>2</sup> respectively.
- 1.6 Pedestrian and bicycle access would be derived via the existing footpath (Coffin Lane).
- 1.7 The proposal is not of a scale that would necessitate an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999 although a pre-application Screening Opinion identified that landscape impact, drainage and access were of particular significance in the assessment of this outline proposal.

## 2. Policies

### Government Guidance

PPG1 – General Policy and Principles

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

PPG13 – Transport

PPG15 – Planning and the Historic Environment

PPG24 – Planning and Noise

### Hereford and Worcester County Structure Plan

Policy T.7 – Role of Traffic Management

Policy T.15 – Pedestrians and Cyclists

Policy CTC.3 – Nature Conservation

Policy CTC.6 – Landscape Features

Policy CTC.9 – Development Requirements

Policy CTC.12 – Improving Wildlife Value

Policy A.1 – Development on Agricultural Land

### Leominster District Local Plan (Herefordshire)

Policy A.1 – Managing the Districts Assets and Resources

Policy A.2(D) – Settlement Hierarchy

Policy A.7 – Compensatory Measures for Habitat Loss or Damage

Policy A.8 – Improvements to or Creation of Habitats

Policy A.9 – Safeguarding the Rural Landscape

Policy A.12 – New Development and Landscape Schemes  
Policy A.13 – Pollution Control  
Policy A.14 – Safeguarding Water Resources  
Policy A.15 – Development and Water Course  
Policy A.16 – Foul Drainage

Policy A.18 – Listed Buildings and their Settings  
Policy A.24 – Scale and Character of Development  
Policy A.25 – Protection of Open Areas or Green Spaces  
Policy A.41 – Protection of Agricultural Land  
Policy A.54 – Protection of Residential Amenity  
Policy A.61 – Community, Social and Recreational Facilities  
Policy A.66 – Access for the Disabled  
Policy A.70 – Accommodating Traffic from Development  
Policy A.71 – Vehicle Parking Standard  
Policy A.75 – Design of Vehicle Parking Areas  
Policy A.77 – Traffic Management  
Policy A.78 – Protection of Public rights of Way

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

Policy S1 – Sustainable Development  
Policy S2 – Development Requirements  
Policy S6 – Transport  
Policy S7 – Natural and Historic Heritage  
Policy S11 – Community Facilities and Services  
Policy DR1 – Design  
Policy DR2 – Land Use and Activity  
Policy DR3 – Movement  
Policy DR4 – Environment  
Policy DR13 – Noise  
Policy DR14 – Lighting  
Policy T6 – Walking  
Policy T7 – Cycling  
Policy T8 – Road Hierarchy  
Policy T11 – Parking Provision  
Policy T14 – School Travel  
Policy T16 – Access for All  
Policy LA2 – Landscape Character and Areas Least Resilient to Change  
Policy LA3 – Setting of Settlements  
Policy LA5 – Protection of Trees, Woodlands and Hedgerows  
Policy LA6 – Landscaping Schemes  
Policy NC1 – Nature, Conservation and Development  
Policy NC7 – Compensation for Loss of Biodiversity  
Policy NC8 – Habitat Creation, Restoration and Enhancement  
Policy HBA4 – Setting of Listed Buildings  
Policy HBA9 – Protection of Open Areas and Green Spaces  
Policy CF2 – Foul Drainage  
Policy CF5 – New Community Facilities

### **3. Planning History**

None relevant.

#### 4. Consultation Summary

##### Statutory Consultees

- 4.1 Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

Prior to the commencement of any development, a scheme for the provision and implementation of surface water limitation shall be submitted to and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with Planning Policy Guidance Note 25 Development and Flood Risk (PPG 25).

The Agency has no objection to the proposals for the disposal of surface water using SUDs, Greywater recycling, ensuring that the existing Greenfield runoff rate is not exceeded.

It is the responsibility of the Local Authority to agree the surface water disposal proposals for the site.

- 4.2 Sport England welcomes the intention to provide improved sports facilities for the benefit of the children and the local community. This intention would be supported by government policy for the dual use of school facilities.

Whilst recognising that this is an outline application the illustrative details give concern and do not suggest that the sports facilities would be of benefit to the local community.

The pitch shown is adequate for children up to ten years in age. It may, however, be too close to the new buildings to overcome the worry of stray balls causing damage. There should be no trees within the safety run-off margins of 3m at the ends and 4m at the sides. As a general comment the landscaping should be designed to allow light onto the pitch and prevent problems from leaves.

This pitch for use by the community would be 90m x 45m plus the safety margins. The preferred orientation is around the north south axis. Young children would play across the senior pitch. The value of providing a pitch for community use does of course depend on the need in the area.

My experience from other schools is that they are unhappy, for security reasons, with having playgrounds in front of the school buildings where young children can be watched. On a sceptical note these frontage playgrounds often turn into car parks and lead to requests to hardsurface part of the grass field as a new playground. Locating hard and soft play areas together, particularly on restricted sites, can have benefits in terms of general playspace, particularly for ball games.

It would seem that the site could be capable of accommodating a grass pitch for community use if redesigned. The access design is requiring a lot of space and potentially if this were redesigned the whole of the rectangular part of the site could become available for the buildings and a sports field with a full size pitch.

Finally, I would suggest that Planning Policy Guidance Note 17 is also relevant to the consideration of the application. The Planning Objectives draw attention to the ways in which open space, sport and recreation underpin the quality of life. The Guidance stresses the need for assessments of local needs and opportunities and advises on planning for new facilities. It would be regrettable if the opportunity were not taken as part of this scheme to consider the opportunity to address any local sport and recreation needs.

- 4.3 Welsh Water raise no objection subject to conditions relating to restricting the treatment of foul and surface water drainage from the site.
- 4.4 Commission for Architecture and the Built Environment make no comment.

#### Internal Council Advice

- 4.5 Head of Engineering and Transportation states as follows:

"The proposals are acceptable in principle and technical details within the Transport Assessment are broadly accepted. Junction visibility splays are acceptable, however the splay to the left results in the loss of a large amount of hedgerow. A preferable option may be to locate the access to a point further east, within the layby, which would reduce the amount of hedgerow lost. Parking areas would then lead off the access road left and right.

A cycle audit of the proposal has been undertaken, which requires that at least 10 cycle spaces are provided, with the potential to provide more if required.

It is noted that there are no proposals to provide a school bus service. It is recommended that the potential for such services is investigated further, particularly in view of the increased pupil numbers."

- 4.6 Head of Environmental Health and Trading Standards raises no objection.
- 4.7 Public Rights of Way Manager raises concerns with respect to the proposed alterations to the surface and character of the public footpath SY10 (Coffin Lane). It is considered that a fully surfaced and lit footpath would be inappropriate in this setting.
- 4.8 Chief Conservation Officer comments that having regard to other sites local to the village of Staunton on Wye, the proposed site would have the least environmental problems associated with its development. A number of landscape issues are raised which can be summarised as follows:-
  - a) a broader area of planting is required along the western boundary and within the southern part of the site as well as between and adjacent to the school buildings
  - b) the access will destroy 65 metres of mature species of hedgerow and the potential for reducing this loss should be considered. The access could be moved further east to effect a less visually important and thinner part of the hedgerow

- c) the width and surfacing of the proposed cyclepath needs to be carefully controlled in order to limit the damage to the existing hedgerow
- d) the proposals for the wild flower meadow are applauded but the practicality of achieving this in view of the land being cropped and with a high nutrient content will need to be considered. Details of the methods proposed for reducing the soil fertility and establishing a management plan for the wildflower area must be agreed
- e) careful attention must be given to avoid light pollution
- f) the footways alongside the car park are excessively wide and the design of roadways needs to be carefully designed to reflect the rural character of the area.

Furthermore, it is recommended that detailed ecological/habitat survey work will need to be undertaken and a detailed landscape and nature conservation management/mitigation plan submitted for formal consideration. This should incorporate issues such as wetland habitat enhancement, the conservation and enhancement of the existing and retained hedgerows and the planting of wildflowers. If appropriate it could include a bird box and feeding station scheme, a bat box scheme incorporating a bat loft in the main school building and artificial refugia for amphibians and reptiles.

- 4.9 Chief Forward Planning Officer comments that Policy A2 of the Leominster District Local Plan (Herefordshire) does allow for the development of a community building in the countryside if it is in accordance with Policy A61. Policy A61 permits a development that meets criteria set out in the policy providing it is of an appropriate scale, character and location. As the site is located on agricultural land it will have to meet the requirements of Policy A41 that protects the best and most versatile agricultural land. Although the land is Grade 1 there are no alternatives as all the land around the settlement is also Grade 1. If the application meets the requirements of Policy A61 then there is no policy objections to the principle of a school development on this site.

## 5. Representations

- 5.1 A total of 18 letters of representation have been received from local residents in response to the initial consultation. The comments/concerns raised can be summarised as follows:
- a) sufficient room at existing school and adjoining orchard to provide new school
  - b) additional traffic in proximity to junction used by buses, HGV traffic and doctors surgery
  - c) proposed 7 metre high hall could be much taller
  - d) field is approximately 2 metres above garden levels - school buildings will be dominant and destroy outlook from neighbouring properties
  - e) light pollution associated with security/parking - out of character since Staunton on Wye does not have streetlights
  - f) development of existing school site with access from A438 preferable to loss of Grade I agricultural land
  - g) retired people live in many of the properties neighbouring the site and will be affected by noise through the day. Proposed site affects back gardens which is worse than the current arrangements
  - h) proposed landscaping/fencing will be overbearing - sense of enclosure
  - i) serious concerns over proposed sustainable drainage system and its effect on existing drainage and the environmental implications of such a system

- j) proposed access is dangerous with cars travelling at excessive speed
  - k) access conflicts with on-street parking used by doctors surgery traffic
  - l) larger school will mean more traffic and therefore greater threat to highway safety
  - m) access via Coffin Lane is very limited - pedestrian and cycle traffic would conflict with existing vehicular rights of way. Surfacing of lane would result in loss of hedgerow and exacerbate flooding problems.
  - n) loss of Grade I agricultural land and threat to viability of owner of the farm land
  - o) loss of ancient hedgerows and habitat for birds and wildlife
  - p) details of lighting design needed
  - q) proposed school is too big for local need and as such loss of agricultural land and encroachment into countryside policies should be given greater weight
  - r) re-use of existing sites has not been properly considered and proposed development would result in gross over provision of educational need when set against decline in need over next 20 years
  - s) traffic monitoring exercise inappropriately carried out. Is pre-school activity included? No monitoring outside the main entrance to the school or along the narrow lane that provides access.
  - t) inadequate parking on site will result in worse problems
  - u) speed or traffic has been underestimated.
- 5.2 A signed petition objecting strongly to the proposal was received on 10 February 2004. The petition has a total of 105 signatories.

5.3 Staunton on Wye Parish Council state:

- 1) The Parish Council supports the need for a replacement school.
- 2) The general opinion of the members of the public was that the site is not suitable due to:

i) Effect on traffic

The effect on the traffic in the village road at the north end of the site has been underestimated.

The traffic survey had not been done at the most appropriate points. Allowance has not been made for the use of the 'layby' as an overflow carpark for the Doctor's Surgery, nor for residents who for many years have used the ROW for access to their garages at the rear of their properties.

The road junction at this point would need to be improved.

Overall, the increased traffic movement would be a serious danger to children and parents walking to school.

ii) Proximity to local residents

The proposed school buildings are too close to bungalows particularly those opposite the present school. The local residents will not only lose their visual amenities but will be affected by noise. This will be worse than at present

Most of the residents are elderly and so will be at home during the busy times.

The proposals for tree planting will result in loss of light into these properties, and together with a high fence the residents feel that they will be hemmed into their properties.

iii) Drainage

This site is known for its bad drainage and the proposal will add to this problem.

- 3) The Parish Council shares these views.
- 5.4 A further two responses have been received following a reconsultation on additional traffic related information and a possible design for the proposed cycle route. In response the following comments have been made:
- a) position of pedestrian and cycle entrance will still lead to conflict with private individuals leaving their properties via Coffin Lane
  - b) entrance point should be moved further to the east which will avoid risk of collisions
  - c) is it necessary to tarmac the pathway
  - d) remains a mystery why this site was selected when it involves compulsory purchase and there is some 11,500 metres<sup>2</sup> space available at the existing site
  - e) opposed to all plans for new school on Bliss Hill Farm land
  - f) don't want more concrete/tarmac with associated loss of good land
  - g) land has been offered at the school
  - h) trying to get land for nothing whilst we can't build on the land
  - i) school should be built near church which would have a good influence on children
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 This outline application seeks planning permission for the relocation of the existing primary school from its established site at the Grade II listed school building to a 1.5 hectare strip of Grade I agricultural land which lies outside, but is immediately adjacent to the settlement boundary for Staunton on Wye.
- 6.2 The application has proven to be a highly controversial one as is evidenced by the strength of opposition, which is primarily directed towards the choice of site, although a significant number of more detailed issues have arisen. It is advised at this stage that this outline proposal reserves matters relating to siting, means of access, external appearance, design and landscaping for future detailed consideration should this permission be granted.
- 6.3 It is considered that the main issues for consideration in the determination of this application are as follows:
- a) The principle of relocating the existing school facility including the justification, site selection criteria and the loss of Grade I agricultural land;
  - b) The visual and ecological impact of the proposal upon the character and appearance of the site and surrounding countryside;
  - c) Traffic and access related issues;
  - d) Impact on residential amenity and
  - e) Foul and surface water drainage arrangements.

### The Principle of Relocation

- 6.4 Policy A2(D) of the Leominster District Local Plan (Herefordshire) established a strong presumption against development in the open countryside but does, in exceptional



circumstances, allow for the provision of a community, social or recreational facility (such as a primary school) subject to compliance with Policy A.61 of the Local Plan. Policy A.61 requires proposals to meet the normal criteria associated with development proposal such as providing safe access but also requires consideration of the appropriateness of the scale in relation to the needs of the local community whilst ensuring that the character of the location is preserved and the site is well related to the settlement that would be served by the facility.

- 6.5 In the first instance it is necessary to consider the need for the new facility, which in this case results from the serious physical shortcomings of the existing school building and grounds. Particular reference is made to the three-storey nature of the existing school which fails to meet disabled access standards, the limited size of classrooms, other resource areas and play areas which do not meet the space requirements of the School Premises Regulations, the building is difficult to ventilate and it has been advised that lighting is below guidance levels. Furthermore the layout of the school makes it difficult to adequately secure and monitor the various points of access and parking provision is very poor with limited facilities for parents. The capacity of the school falls below current government requirements and the listed status of the building make its internal and external alteration more onerous and unfeasible.
- 6.6 On this basis it is considered that the case for an improved replacement facility exists and having regard to the majority of comments received from local residents it is not the principle of a new primary school but rather the choice of site, which is the source of concern.
- 6.7 This said, reference has been made to the wider educational need for a larger school facility with particular respect to the trend of falling school roles. This definition of need is one determined by the Local Education Authority and not one that can carry significant weight, as a material consideration in a planning decision. The size of the proposed school is established by Government standards and as such unless the size of the school building has specific planning implications; it would not be reasonable to recommend the refusal of permission based upon this wider definition.
- 6.8 In terms of site selection, a number of alternative locations have been considered and ruled out due to their isolated positions, access problems and landscape impact. There are no sites that lie within the settlement boundary of the village and as such the visual and physical relationship to village edge has been an important factor. Three sites emerged with potential and include Rhydwr Farm opposite the village hall, which benefits from a residential permission ruling out its viability, a site incorporating the existing school grounds and orchard land to the east and the application site itself. It is clear that the redevelopment of the existing school site is the option strongly supported by the local community.
- 6.9 The existing school site has a number of constraints which include the area of land that can be made available (although this has been challenged by local residents who have indicated that approximately 1.15 hectares is available at the existing school); the serious implications associated with developing within the setting of the listed school, which the Chief Conservation Officer has advised would not be supported in view of its detrimental effect on the building and the important spatial qualities which define the character of the associated conservation area; the limited width of the access and the unsuitable cul-de-sac form that would result. Development costs associated with the removal of power lines and earth levelling are referred to although these are not regarded as significant problems. Finally on this site, the development of a new facility could have serious implications for the viability of seeking alternative uses for the listed

building (a factor that must be given due regard according to paragraph 2.16 of PPG15 Planning and the Historic Environment).

- 6.10 The existing school site clearly has implications for development beyond the village settlement boundary but the proposed option would involve development wholly outside the boundary. A fundamental constraint of the application site is its Grade I Agricultural Land classification, which although a constraint shared with the existing school site has potentially greater implications in view of the amount of land involved. The owner of the site is strongly opposed to the loss of the land in terms of its economic viability. In this case it is considered that if approved, this proposal would represent a unique one-off development that would not result in additional pressure for the loss of more agricultural land and although a difficult balance to strike, the local need for the improved school facility is considered to be greater than the benefits of retaining this 1.5 hectare site in agricultural use. It is advised that all the agricultural land surrounding the village has the same Grade I classification and as such there is no obvious alternative location that would address this policy constraint.
- 6.11 The view in this instance is that if the need is accepted, the loss of the agricultural land would not necessarily be a ground for refusal under the terms of Policy A.41 of the Local Plan.

#### Landscape/Ecological Impact

- 6.12 The application site, in terms of the wider effect of its development, can be viewed from Tin Hill to the east, which rises from its junction with the A438. From this vantage point, the openness of the site is appreciated but so too is its close visual relationship with the existing properties on the edge of the village and more significantly the existing school building, which dominates the local landscape. It is acknowledged that this site will have an impact upon the site and surroundings but the view is that if the need for this facility is proven, the application site represents the most viable option and the scheme allows for the introduction of additional landscaping along the site margins to facilitate its integration into the area to an acceptable level. Careful treatment of the design and materials will need to be given at the reserved matters stage in order to maximise the planting area and ensure that an appropriate palette of materials is used within a layout that will seek to break up the visual mass of the complex.
- 6.13 More locally, the indicative access proposals would necessitate the removal of approximately 65 metres of hedgerow along the northern boundary of the site. The loss is regrettable but would be reduced by a repositioning of the main point of access (an issue accepted by the Head of Engineering and Transportation) further eastwards ringing into line with Pool Cottage. A replacement hedgerow including tree planting would be planted along the visibility splay and although it would clearly take time to establish itself it would ultimately compensate for the loss.
- 6.14 The ecological value of this hedgerow and the site as a whole is stressed by the Chief Conservation Officer. In this case it is recommended that if outline permission is granted, a full ecological assessment including measures for mitigation and habitat creation in the form of a management plan should be carried out. This requirement can be controlled by way of a condition.

- 6.15 The indicative shared pedestrian/cycle path has potential implications for the remaining hedgerow along the northern boundary. The concern is that the surfacing of a 2.5 metre wide path could undermine the hedgerow and as such the recommendation is that the point of access is changed in order to reduce this pressure. This incidentally would overcome a concern of a local resident regarding potential collisions between cyclists and cars using the right of way along the footpath.
- 6.16 The landscape impact of lighting and road surfacing would be controlled by conditions with the emphasis on limiting the effect on the rural character and appearance of the site and surroundings.
- 6.17 Having regard to the need for the school and the limited likelihood of an alternative more appropriate site coming forward it is considered that the potential landscape and ecological impact can be overcome although there will inevitably be an initial effect until planting becomes established.

#### Traffic and Access

- 6.18 A Transport Assessment has been submitted and further amended following concerns raised about the methodology of the survey work. The findings indicate that as a replacement proposal, and having regard to the relatively low traffic speeds and low injury accident record, there would be no issues relating to road and junction capacity resulting in a measurable increased threat to the safe use of the local road network. The opportunity to provide improved parking facilities including pick up/drop off arrangements has been utilised which together with appropriate warning signs would result in an improvement to the current situation which results in congestion on the main road at peak times.
- 6.19 The issue of traffic generation and highway safety is clearly and quite rightly a cause for local concern but in this case the assessment which has been considered and endorsed by the Head of Engineering and Transportation demonstrates that the new primary school could be satisfactorily accessed via the position shown on the indicative layout plan.
- 6.20 The finer detail of the design and surfacing of the shared pedestrian/cycle path including how it accesses the school site will require further consideration in conjunction with the Public Rights of Way Manager, Chief Conservation Officer and local residents affected by this part of the proposal and can be reserved for final approval. It is considered that an acceptable compromise can be struck and as such a condition is appropriate.
- 6.21 The application incorporates a framework for a Green Travel Plan, which has and will continue to be refined in consultation with the Head of Engineering and Transportation. The site although on the edge of the village remains accessible by a range of transport modes and the emphasis will continue to be on the reduction of private car use and further discussion regarding bus provision in particular. Secure cycle facilities would be provided and controlled by way of a condition.

### Residential Amenity

- 6.21 It is recognised that the established outdoor activities associated with the existing school are an accepted part of life for those people living in close proximity and furthermore that an increase in the number of children and the relocation of the school could change what has become the norm in Staunton on Wye.
- 6.23 The main issue raised so far as noise impact is concerned relates to the proposed school site and its relationship to the rear gardens of properties to the east. Emphasis is placed on the fact that people expect a greater privacy and tranquillity in their rear gardens and also that the current situation is one where fewer residents are affected in this manner. Furthermore it is clear that most residents in the immediate vicinity have retired and as such would be affected during normal school hours.
- 6.24 PPG24 – Planning and Noise advised that housing and school sites are noise-sensitive developments and accordingly advice has been sought from the Head of Environmental Health and Trading Standards. It is considered that the level of activity will be limited to a relatively short duration between the hours of 0900 and 1530 and although the occasional event during the evening is a realistic assumption to make, it is not considered that demonstrable harm to the amenities local residents will occur. This view is shared by the Head of Environmental Health and Trading Standards who raises no objection to the proposal following his visit to the site.
- 6.25 The points raised about the extent of lighting and the effect of fencing and landscaping upon the immediate neighbours have been recognised and attention will be given to these issues pursuant to conditions should the outline permission be granted.

### Drainage

- 6.26 Foul drainage would be discharged to the existing mains sewer leaving the potential implications of increased surface water run-off as a key concern having regard to the known problems with existing private arrangements at neighbouring properties. The volume and quality of surface water run-off was identified at the “Screening Opinion” stage and as such proposals have been provided with this outline application. It is acknowledged that there is the potential for saturation of the southern end of the site with its attendant problems with the flooding of the A438, the drainage ditch and the rear gardens of immediately neighbouring properties. A range of potential mitigation measures have been identified which include ‘greywater’ recycling from the roof of the school and a balancing pond, soakaways, filter drains and infiltration trenches, a range of which could be adopted to reach the required discharge rate.
- 6.27 The Environment Agency have assessed the details provided with the application and are satisfied that appropriate measures can be taken to limit surface water drainage/contamination to an acceptable level. A condition attached at this stage would enable the final design to be agreed in a timely manner.
- 6.28 Welsh Water raise no objection to the proposal subject to the effective separation of foul and surface water and restrictions on surface water entering the public sewerage system.

Conclusion

- 6.29 In essence the determination of this application must initially relate to the strength of the justification for a new school. The shortcomings of the existing school buildings have been identified and the Government set parameters for the size of any new school facility are beyond the control of the local planning authority. Furthermore the Local Education Authority is clear in its support for the educational need for a larger school. It therefore falls to the local planning authority to assess the acceptability of the submitted proposal against a number of key criteria, which have been identified in the appraisal.
- 6.30 There is clear support for retaining a primary school in the village and on balance and having regard to the merits of the case submitted and the limited likelihood of an acceptable alternative site being pursued, it is considered that supporting the proposal with appropriate conditions would best serve Herefordshire Councils policy for strong support for small village schools.

**RECOMMENDATION**

**That planning permission be approved 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 - F20 (Scheme of surface water drainage )**

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

- 6 - F32 (Details of floodlighting/external lighting) (details of time limitations, level of illuminance, light shelling and the angle of floodlights)**

**Reason: To safeguard local amenities.**

**7- F48 (Details of slab levels)(buildings, hardstanding areas and playing field)**

**Reason:** To ensure that the impact of the development upon the character and appearance of the site, surroundings and the immediately neighbouring properties is minimised.

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

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

**9 - G06 (Scope of landscaping scheme) (Condition 3)**

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

**10 - A full ecological assessment of the site and the surrounding hedgerows shall be undertaken prior to the submission of any reserved matters application and shall include details of mitigation measures and proposals for habitat creation and enhancement within and around the site. The approved details shall be carried out prior to, or commensurate with the development of the site, whichever is appropriate, and thereafter retained in accordance with a landscape and nature conservation plan for the site.**

**Reason:** To ensure that the nature conservation interest of the site is elevated and protect where necessary.

**11 - H03 (Visibility splays)(4.5 metres) (70 metres)**

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

**12 - H13 (Access, turning area and parking)**

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

**13 - 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 - 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.

16 - Prior to the commencement of the use of the school hereby approved, the full details of the Green Travel Plan together with measures for monitoring its effectiveness shall be submitted to and approved in writing by the local planning authority. The document shall be maintained and kept available for inspection by the local planning authority upon request and all reasonable improvements agreed in writing shall be incorporated into the Green Travel Plan.

Reason: To ensure that a range of sustainable transport alternatives are available and promoted users of the site in accordance within sustainable objectives of Herefordshire Council and Central Government.

**Informative(s):**

- 1 - HN1 (Mud on highway)
- 2 - HN2 (Public rights of way affected)
- 3 - HN3 (Access via public right of way)
- 4 - HN5 (Works within the highway)
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**2 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  
**Expiry Date:**  
9th March 2004

**Ward:**  
Upton

**Grid Ref:**  
53489, 61639

Local Member: Councillor J Stone

**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 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 x 7m to eaves, 9.8m to ridge, abuts the existing building (8.5m to eaves and 11.4m to ridge) 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 (6m to eaves and 8m to ridge), 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 Summary**

### Statutory 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 Yolk 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

Three further letters of representation have been received. They raise concerns previously made, principally regarding drainage, traffic and risk of accidents near the school, and the impact on community and tourism.

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

Two further letters have been received from the applicant in response to issues raised by objectors. Points of clarification are set out as follows:

- 1100 acres in North Herefordshire are currently farmed with potato growing on 400 acres being the main enterprise. Its success is as a result of the ability to store potatoes long term, meeting high standards of hygiene, welfare and environmental legislation.
- Other store will enable the business to remain competitive, and viable.
- The impact of a significant building in a sensitive area, with careful design and landscaping represents an opportunity to improve the appearance of the existing store and surrounding area.

Traffic flows:

- The store is centrally located to minimise trips.
- Tractors and trailers currently travel through Kimbolton to existing store off A49. Lorries will average approximately one per day. It is not a normal requirement for lorries to be parked overnight.

Safety:

- Access designed to Highway Authority requirements.

Services:

- Agree to conditions regarding drainage and regular inspection and maintenance.

Visual Impact:

- In response to concerns, the proposed buildings have been reduced in height by 1.5m, clad to match existing, use of local stone to provide walling adjacent to existing and proposed store, and use of Yorkshire Boarding to grading store.

Landscaping:

- Reinforce existing landscaping, plus new small-scale plantation of native species.

Drainage and pollution:

- Reference to sludge door is incorrect. It is a balancing pond to control discharge to York Brook.
- It is not normal practice to wash potatoes on site, contamination of water or soil is therefore very unlikely.
- Mobile toilet facilities are provided during harvesting and unloading periods.

- 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.

Conclusions

- 6.12 The proposal will support an established farm enterprise which grows potatoes and operates within the area. The provision of the new buildings are part of a high quality production process which will meet an expanding demand for processed potato products. 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 Significant efforts have been made to minimise the visual impact of the buildings by reducing them in height, and providing structural landscaping and re-inforcing established patterns of planting.
- 6.15 The proposal is considered to comply with policies and guidance regarding new agricultural development and, subject to the imposition of suitable restrictive conditions, the recommendation is for approval.

**RECOMMENDATION**

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

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

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

- 2 - 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 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 together with an agreed programme of maintenance and inspection. The drainage scheme shall be implemented before the first use of the development hereby approved and details of any remedial works shall be agreed in writing with the local planning authority and implemented in accordance with an agreed timetable.**

**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: .....

.....

**Background Papers**

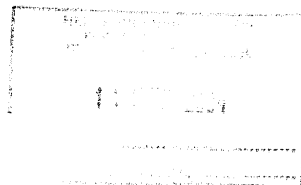
Internal departmental consultation replies.



# KIMBOLTON PARISH COUNCIL.

10<sup>th</sup>. 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.

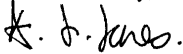
If there are to be these facilities how will the effluent be dealt with, as, stated in condition 4 of the previous planning permission there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

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.

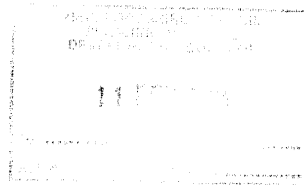
A request has been made that a site visit by councillors be made in order that they can see for themselves the huge impact that this proposal will have on the environment.

Yours faithfully,



A. J. Jones. Chairman.

c.c. John Stone.



**3 DCNC2004/0628/O - SITE FOR NEW DWELLING  
ADJOINING AT 17 LOWER WESTFIELDS, BROMYARD,  
HEREFORDSHIRE, HR7 4EN****For: Mr R Clinton per Gurney Storer & Associates The  
Stables Martley Worcestershire WR6 6QB**

**Date Received:**  
20th February 2004  
**Expiry Date:**  
16th April 2004

**Ward:**  
Bromyard

**Grid Ref:**  
65037, 54303

Local Members: Councillor B Hunt and Councillor P Dauncey

**Introduction**

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

**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. Policies**

Planning Policy Guidance Note 1 – General Policy and Principles  
Planning Policy Guidance Note 3 – Housing  
Planning Policy Guidance Note 13 – Transportation

Malvern Hills District Local Plan

Housing Policy 2 – development in Main Towns  
Housing Policy 17 – Residential Standards  
Bromyard Housing Policy 1

Herefordshire 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 "Agreed to object to this application on the grounds of overdevelopment of the site."

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: .....

.....

**Background Papers**

Internal

departmental

consultation

replies.



**4 DCNE2003/3706/F - CHANGE OF USE TO RESIDENTIAL 3 NO. APARTMENTS, 3 NO. HOUSES, GARAGES AND PARKING SPACES AND ASSOCIATED DRAINAGE AT STRETTON GRANGE RETIREMENT HOME, STRETTON GRANDISON, LEDBURY, HEREFORDSHIRE, HR8 2TS**

**For: KMH Property Developments Ltd. Development Design Partnership Sandford House 6 & 7 Lower High Street Stourbridge West Midlands DY8 1TE**

**Date Received:  
10th December 2003**

**Ward:  
Frome**

**Grid Ref:  
63113, 44069**

**Expiry Date:  
4th February 2004**

Local Member: Councillor R Manning

**1. Site Description and Proposal**

- 1.1 The application site comprises Stretton Grange and its grounds, but excludes the Grade II Listed Barn to the rear of Stretton Grange itself.
- 1.2 The site is located on the outside of a bend on the A417 and is situated within the Stretton Grandison Conservation Area.
- 1.3 The proposal is for the conversion of Stretton Grange to 3 two-bedroomed apartments and the erection of 3 detached dwellings on the eastern side of the site. Plot 5 lying to the rear of the site is for a large exposed timber framed dwelling with four-bedrooms and a detached double garage. Plot 6 is also for a four-bedroom dwelling of cottage like appearance whilst Plot 7 proposes a five-bedroomed house which projects forward of Stretton Grange of a much more formal style not dissimilar to Stretton Grange. A detached double garage is also included, this property includes two-bedrooms within the attic space within the 2 1/2 storey design. The ridge height of this particular property is approximately 9.3 metres. Access to Plot 7 is via the existing hard surface area in front of Stretton Grange. Access to Plots 5 and 6 is via a new driveway which runs along the western and northern boundaries of the site involving excavation and a timber crib retaining structure, between the barn on the eastern side of this new drive and the existing property known as The Cedar to the west.
- 1.4 The eastern boundary of the site consists of a number of mature trees subject of a Tree Preservation Order. An Arboricultural Report has been provided with the application which suggests that only five trees will need to be removed with remedial workes required to a further eight.

## 2. Policies

### Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside  
Housing Policy 17 – Residential Standards  
Conservation Policy 1 – Preserving or Enhancing Conservation Areas  
Conservation Policy 2 – New Development in Conservation Areas  
Conservation Policy 3 – Setting of Conservation Areas  
Conservation Policy 11 – The Setting of Listed Buildings  
Conservation Policy 14 – Re-Use of Large Country Houses  
Landscape Policy 10 – Tree Preservation Orders

### Hereford and Worcester County Structure Plan

Policy H20 – Residential Development in Open Countryside  
Policy CTC11 – Trees and Woodlands  
Policy CTC13 – Conversion of Buildings  
Policy CTC15 – Conservation Areas

### Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7 – Housing in the Countryside Outside Settlements  
Policy LA5 – Protection of Trees, Woodlands and Hedgerows  
Policy HBA4 – Setting of Listed Buildings  
Policy HBA6 – New Development within Conservation Areas

## 3. Planning History

MH1317/86 - Proposed dwelling and garage at Stretton Grange Residential Home. Refused planning permission 4 August 1986.

MH2925/87 - Change of use of existing outbuilding and extension to existing house for residential home. Planning permission and listed building consent refused 14 March 1988.

MH1260/85 - Conversion and renovation of outbuildings to form two self-contained dwellings. Refused 29 July 1985.

MH91/1007 - Extension to existing rest home. Approved 2 September 1991.

MH96/0240 - Renewal of MH91/1007. Approved 29 April 1996.

MH97/0825 & 0826 - Planning permission and listed building consent. Approved 9 March 1998 for conversion of redundant agricultural buildings to form two dwellings.

NE01/2941/F - Change of use of residential care home to hostel accommodation. Approved 16 January 2002.

NE03/2574/F - Conversion of Stretton Grange to three apartments and erection of five dwellings. Application withdrawn 15 October 2003.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency comment: 'The Agency are on the understanding that a connection to the mains foul sewer is considered to be impracticable. The Agency have therefore considered the non-mains drainage scheme as proposed, in line with Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage). The additional information shows that a Klargester Biodisc treatment plant is proposed, discharging through an existing outfall to a watercourse on the eastern boundary of the site.

On the understanding of the above, the Agency wishes to withdraw its previous holding objection and has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

Condition: The foul drainage from the proposed development shall be discharged to a package sewerage treatment plant which meets the requirements of British Standard BS 6297:1983.

Reason: To prevent pollution of the water environment.'

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objections subject to conditions.
- 4.3 Public Rights of Way Manager advises that public footpath ESG22 crosses the north-east corner of the site and advises that the garage on this plot should be located not less than 16 metres from the corner to avoid the public right of way.
- 4.4 Chief Conservation Officer recommends imposition of standard archaeological condition. Comment is also made upon the aboricultural report advises that 5 significant trees have either been omitted or wrongly plotted on the layout giving the impression there will be less impact on the trees than is actually the case. A slight amendment to the layout would minimise the damage to the trees.

In terms of the impact of the proposal upon the Setting of the Listed Building and upon the character of the Conservation Area the following appraisal has been submitted:

'Character assessment of building: Stretton Grandison is a small hamlet with the conservation area centering on Stretton Court. It is situated in a rural context with an attractive backdrop of open countryside and the high landscape quality of Homend Park, and is dissected by the A417. It is characterised by the informal, loose grouping of vernacular buildings with important open spaces and mature trees between these groups, which adds considerably to the rural character and high environmental quality. A significant number of the buildings within the Conservation Area are listed which reflects the high quality and interest of the historic built environment.

Comments: I would strongly contest that the previous decision relating to this site (MH96/0246) sets a precedent for the current application. The previous submission was for an extension to a nursing home and was therefore assessed under criteria in relation to this use, and most importantly as an extension to an existing building.

Stretton Grandison has no settlement definition or boundary and any new build is not therefore acceptable in principle as it deemed to be development within the open countryside. The principle of residential development of this site has not, therefore, been established, and is contrary to policy. The fact that the previous application has been implemented should not be a material consideration in assessing the appropriateness of current proposals.

There are strong objections to the current application both in principle and in terms of the significant and highly detrimental impact proposals will have on the character and appearance of the conservation area. Secondary to this are concerns regarding the impact on the setting of listed buildings both within and adjacent to the site. The open spaces between groups of buildings are important to the character of the area and this site currently provides a clear distinction both visually and physically between Stretton Court and its associated outbuildings as a group, and the Grange with its listed barn to the rear. Notwithstanding in principle objections the infill proposed is of a scale and density that is inappropriate within this context, would severely compromise the distinction between groups of buildings, and which subsequently fails to respect the pattern of historical development which is so important to this conservation area. The impact on the street scene will be significant with the proximity and large scale of the new dwellings appearing incongruous, especially in the extent to which the proposed new dwelling to the frontage will complete with Stretton Grange. This dwelling is of comparable scale with the Grange, is sited closer to the road, and has a garage and curtilage wall that add to the impression that it is the principle building on the site. This curtilage wall overlaps the Grange, which further exacerbates the uncomfortable relationship between the two buildings. While the retention of the majority of mature trees on the site is welcomed, this does not alleviate the above concerns.

The proposed access road would have an adverse impact on the appearance of the conservation area in its own right. This road would be visually prominent built element both within the site and on the immediate approach from the east, given the height of the bank into which it is to be cut and the urban/industrial nature of the retaining wall. I remain to be convinced that its appearance could be softened through planting adequately enough to overcome these concerns due to the scale of the reformation of the land. The undulating topography contributes to the high landscape quality of the area and the proposed access would be a visually harsh and incongruous element in this context. There were also some minor concerns regarding the proximity of the access to the listed barn both in terms of setting and in possible supporting works that may be required to the barn as a result.

The retention of the courtyard between the Grange and barn is welcome although their context will be adversely affected. The setting of the barn will be compromised by the cumulative impact of proposed development due to its density and proximity. An integral part of the setting of both this building and Stretton Court and its curtilage outbuildings is their group relationship, which it has been demonstrated will be severely compromised.

There are also some minor concerns regarding the proposed extensions to Stretton Grange which sit uncomfortably against the host building and fail to preserve or enhance its historic character and appearance. A conservatory may have been more appropriately located in the position of the garage and an independent garage constructed. However, an independent garage could feasibly only have been located to the front of the house (detracting further from its setting and the conservation area), because of the lack of opportunity for alternative sites, due in part to the density of development proposed.

Conclusion: The principle of a residential use is unacceptable given that the site is within the open countryside. Proposals would have a detrimental impact on the character and appearance of the conservation area, fail to respect historic development patterns, and subsequently adversely affect the group value and setting of adjacent listed buildings.'

## 5. Representations

### 5.1 Stretton Grandison Parish Council approves the revised application making the following comments:

'Every effort should be made to retain as many trees as possible.

- a) Maintenance of retaining walls should be insured.
- b) Drainage from both effluent and storm water is crucial and careful consideration should be given to the best methods for dealing with these.
- c) The Parish Council is concerned that the Planning Department is likely to turn down the application and that this will pave the way for the original approved application to build large extension to the main house to be carried out by the developers. I would reiterate that Stretton Grandison Parish Council and local residents are unanimous in their support of the above revised planning application and would ask the Planning Department to bear this in mind when reaching any decision.

### 5.2 Letters of support have been received from Stretton Court Farm House, The Cedar, The Threshing Barn, Stretton Court The Old Hop Barn. The letters are summarised as follows.

- a) The proposal is less intrusive than previous planning permission and the least harmful proposal to date.
- b) It will permanently remove any extant permissions.
- c) The proposal is in keeping with the village and is better than the plans for a hostel.
- d) It will save many of the trees subject to Tree Preservation Order that are a major part of the local skyline and a habitat for many birds. In addition further representations have been received from these addresses advising concern of the delay in the determination of the application and that planning permission may not be granted and that either the previous extensions to the care home or the ladies hostel may result.
- e) One of the above letters is subject to the proviso that trees are protected on the eastern boundary especially the large horse chestnut, there is no erosion of the bank and no storm water drainage or sewage overflow onto the adjoining site. A further letter of representation from Stretton Cottage has been received expressing concern about sewage problems in the area and highway safety issues.

### 5.3 A letter of concern about drainage issues and highway safety has been received from Stretton Cottages.

5.4 In support of the application the applicants agent advises:

'...the revised scheme now being resubmitted is as far as my client can go and still make the scheme viable and unless we are successful with this application my Client would have no alternative but to construct the approved extension to the care home, which he does not want to do. We know the residents of Stretton Grandison do not want the extension built.

Surely our amended scheme shows significant improvement over the existing extension of the nursing home and that the Council has the opportunity to get rid of an inherited approval that no one wants, we believe the points our scheme scores over the approved extension are:

- All the TPO trees will be retained.
- The impact on the listed barn would be much improved.
- The character and appearance of the Conservation Area would be kept intact.
- Retention of privacy and amenity of neighbours.
- Local residents support our proposals.
- The proposed scheme would sit well into the surroundings.
- All of the above would be lost if the extension was constructed.

We have made some minor revisions to the layout to take into account your comments contained in your letter of 31st October 2003, namely we have reduced in size the footprint of house type on Plot 6 but we must achieve a 4 bedroom house on this plot to make it viable.

Plot 7 this house type has been pushed back by 2 metres.

Access road 6 metres radii at junction turning head increased to 16 metres, the access road would remain private and would not be offered for adoption.

Private drive serving plots 5 and 6. Turning area of plot 5 shown. 2 no. passing places shown.

We are awaiting Tree Report this will be sent direct when available.

We believe that the revised scheme has so much going for it and that it shows such a significant improvement over the approved extension to the care home, and also the support given by the local residents that the Council will find it very hard to refuse the application, but if they are to refuse our application I hope someone will explain the reasons for refusal to the local residents, so that they will know the reasons why my client is building the approved extension.'

5.5 The Agent has also submitted a note to him from his legal adviser commenting upon the advice offered by Senior Planning Officer, about the extant permissions upon planning policies and the fall back position and case law. It also suggests that there is a fatal flaw in the recommendation for refusal that no consideration has been taken of the material considerations presented in the note nor to the fact that case law rehearses a fall back position supporting the case here.

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 Since no settlement boundary has been defined for residential development in Stretton Grandison the proposal falls to be considered primarily against Housing Policy 4 of the Malvern Hills District Local Plan and Policy H20 of the County Structure Plan. The proposal does not represent any of the exceptional circumstances in which residential development can take place in such locations. Consequently the proposal is contrary to those policies.
- 6.2 The application is presented as an alternative to existing development previously permitted on the site for extension to the former residential care home. This was most recently approved under code MH96/0246 on 29<sup>th</sup> April 1996. By virtue of compliance with necessary conditions and commencement of excavation that permission remains extant. That permission was for a large 2-storey extension linked to the main house above a single storey and two-storey element. For ease of comparison copies of the plans will be available through the PowerPoint presentation. It would appear from comparison of the layouts that the care home extension being located approximately 2 – 3 metres closer to the eastern boundary would have a greater impact on the trees within the area defined by the Tree Preservation Order.
- 6.3 The existence of the extant permission is clearly a material consideration and has not been ignored as the applicant's legal adviser suggests, although the note was submitted prior to preparation of the report. It is a matter of individual interpretation as to what weight can be afforded that previous permission, together with the permission for the conversion of Stretton Grange to a ladies hostel.
- 6.4 In considering the weight to be given to the previous permission for the extension it is necessary to consider the impact of both the proposal and that early permission upon the setting of a listed barn behind Stretton Grange and upon the impact on the character and setting of the Conservation Area. In this regard Members are referred to the advice from the Chief Conservation Officer. In terms of comparison with the main street scene the proposed 2½-storey dwelling competes with Stretton Grange whilst the extension to the nursing home being much plainer is clearly subservient to it and it is assumed that it was on that basis that the previous permission was granted.
- 6.5 In terms of highway safety issues and amenity to adjoining neighbours the proposal is considered acceptable. When treated on its merits the current application is clearly contrary to Policy and considered detrimental to the character and setting of both the listed building and Stretton Grandison Conservation Area. Even setting against this the material consideration of the permission for the extension it is considered that the proposal remains unacceptable. The issue of the conversion of Stretton Grange to the ladies hostel adds little weight to this argument.

## RECOMMENDATION

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

- 1 It is considered that the proposal is contrary to Housing Policy 4 of the Adopted Malvern Hills District Local Plan and Policy H20 of the Hereford and Worcester County Structure Plan in that it proposes residential development in the open countryside. It does not appear to the local planning authority there is sufficient justification for the development to override these policies.**

- 2 It is considered that the proposal will have a detrimental impact upon the character and appearance of the Stretton Grandison Conservation Area and the Setting of the adjacent Listed Buildings contrary to Conservation Policy 2 and Conservation Policy 11 of the Adopted Malvern Hills District Local Plan.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**5 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**  
**Expiry Date:**  
**18th February 2004**

**Ward:**  
**Hope End**

**Grid Ref:**  
**71313, 40718**

Local Member: Councillor R Stockton

**This application was deferred at the previous meeting to enable further notification to the Parish Council. No further letters of representation have been received.**

**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 18<sup>th</sup> 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 13<sup>th</sup> March 2001.

## 4. Consultation Summary

### Statutory 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: .....

.....

**Background Papers**

Internal departmental consultation replies.

# THE WELLINGTON HEATH PARISH COUNCIL

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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

27<sup>th</sup> January 2004

Dear Mr Pryce,

**Planning Application DCNE2003/3874/RM, Oak Tree Cottage**

By resolution of the Parish Council on 27<sup>th</sup> 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



**6 DCNE2004/0241/F - REMOVAL OF CONDITION 7 OF PLANNING CONSENT MH92/1564 SOMERFIELD STORES LTD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EZ****For: Somerfield Stores Ltd per Edmund Kirby India Buildings Water Street Liverpool L2 0TZ**

**Date Received:**  
20th January 2004  
**Expiry Date:**  
16th March 2004

**Ward:**  
Ledbury

**Grid Ref:**  
70938, 37470

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

### 1. Introduction

Somerfield is located on the south side of New Street, Ledbury. Planning Permission is sought to remove condition 7 on Planning Permission MH92/1564 which requires that there shall be no use or storage of trolleys on the adjacent open air service yard. The condition was imposed 'in the interest of environmental health and to protect the residential amenities of nearby residents'. A screen is proposed to be attached to the gates to limit views from New Street. Residential development abuts the boundaries of the Somerfield site.

### 2. Policies

PPG24 – Planning and Noise

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

### 3. Planning History

MH87/595 - Proposed retail supermarket, car-park and service yard - Approved 29 May 1987

MH87/1921 - Application under Section 31A for permission to develop land as retail supermarket, car-park and service yard without need for complying with condition no. 10 of planning permission ref. MH87/595 - Approved 17 August 1987

MH92/1564 - Single storey flat roof extension to rear of existing store over existing service yard, including new roller shutter and fire escape exit door - Approved 1 March 1993

MH93/0982 - Removal of condition nos. 10 and 13 of planning permission ref. MH92/1564 - Approved 27 September 1993

MH90/2317 - Acoustic enclosure to service yard - Approved 14 September 1992

NE99/2914/F - Proposed extension to existing warehouse area - Approved 22 January 2001

NE2003/3338/F – Removal of condition no.6 of planning permission MH92/1564 – Approved 25<sup>th</sup> February 2004

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 The Engineering and Transportation Officer recommends a condition to retain turning facilities within the service yard.

4.3 The Chief Conservation Officer raises no objections subject to details of the screen to be attached to the gate.

4.4 The Environmental Health and Trading Standards Officer raises no objection subject to a condition which sets timescale to the use of the delivery yard.

#### **5. Representations**

5.1 Ledbury Town Council recommend approval.

5.2 The Campaign to Protect Rural England comments as follows: 'In our view the storage of trolleys in the service yard would add to the present noise and disturbance to neighbours. The trolleys would also obstruct the movement of vehicles and this in turn would add to noise disturbance. The proposal to put screens on the gates would not we think be an effective answer to preserving the issue of amenities because of necessity the gates will be open much of the times to permit the movement of vehicles. We therefore ask the Council to refuse this application.'

5.3 Six letters of objection have been received the main planning points raised are:

- a) The condition was put in place to protect neighbours of Somerfield from excessive noise and it should be retained.
- b) We already suffer from excessive noise levels and this will only increase the situation.
- c) The removal of the condition would lead to increases in noise levels and unsightliness in the yard.
- d) Somerfield made the original application knowing that it would be located within a residential area and they should abide by the conditions originally granted.

5.4 The applicant's agent has submitted the following information:

- a) In order to comply with the spirit of this condition the store has arranged for service trolleys to be uplifted and removed from site on a direct basis each day. This prevents any accumulation of service trolleys in the yard, but a limited number are kept overnight following a delivery until their removal the following day.
- b) It is impossible and unreasonable for Somerfield to comply with this requirement and not to be able to use the service yard for the purpose it was designed. The yard is well screened by a high brick wall.
- c) The service yard area has to be used to accommodate the storage of some service trolleys. The entrance area to the service yard at present is the only point of visibility from the highway. It is proposed to attach a screen to the gate, which will obscure views from the highway into the yard and from dwellings facing the service area on New Street.

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 condition was imposed in the interest of Environmental Health and to protect the residential amenities of nearby neighbours.

6.2 The Environmental Health and Trading Standards Officer has fully assessed the proposal and considers that use of the service yard for the storage of the service trolleys is acceptable provided their movement is controlled by the time constraints attached to the service yard. He does not consider that noise generated by the movement of the trolleys and their associated storage after emptying is sufficient to warrant a noise nuisance and as such there are no objections to the removal of the condition.

6.3 Although the yard is enclosed by a high wall there are dwellings which have views into the yard from their first floor. The ad-hoc storage which presently takes place is not visually attractive but a condition which limits the area would enable stricter control. Concern has also been raised as to the uneven surface of the delivery yard causing the cages to rattle when being moved. Again a condition requiring an improved surface treatment would assist in this situation.

6.4 Use of the service yard for delivery vehicles is already controlled by time conditions of 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays with use allowed on Bank or Public Holidays. A similar condition will be recommended in line with the Environmental Health and Trading Standards Officer's comments.

6.5 Regarding a screen to the gates, although this would only prevent views into the delivery yard when the gates are closed this again is considered to be an improvement on the present situation and a condition will be recommended.

6.6 Accordingly it is considered that with the improvements to be conditioned, relating to the area to be allocated and marked out for external storage, improved surface treatment, time constraints and screen on gates that the proposal is acceptable.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 - Within one month of the date of this permission the area to be used for the storage of trolleys, including improved surface treatment, shall be submitted for approval in writing by the Local Planning Authority and the area permanently marked out within one month of approval of the details. The area shall thereafter be maintained to ensure compliance with this condition.

Reason: To ensure suitable turning facilities for vehicles are retained and to protect the amenity of adjoining residents.

- 2 - There shall be no other outside storage within the service yard other than the area identified under condition 1 above.

Reason: To ensure suitable turning facilities for vehicles are retained and to protect the amenity of adjoining residents.

- 3 - Details of the screen to be attached to the gates shall be submitted for approval in writing of the Local Planning Authority within one month and the screen erected within one month of the date of approval.

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

- 4 - There shall be no use of the service yard outside the hours of 7 am to 6 pm Monday to Friday, 7 am to 1pm Saturdays and not at anytime on Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenity of adjoining residents.

Informative:

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**7 DCNE2004/0863/F - REMOVAL OF AGRICULTURAL OCCUPANCY RESTRICTION. (CONDITION 3 OF PLANNING PERMISSION MH93/1468) AT THE FARM, PAUNTON, BISHOPS FROME, WORCESTER, WR6 5BJ**

**For: Mr R Fowler per Mr C J Didlick, Bwthyn, Snead Common, Abberley, Worcester, WR6 6AF**

**Date Received:**

**8th March 2004**

**Expiry Date:**

**3rd May 2004**

**Ward:**

**Frome**

**Grid Ref:**

**66806, 50035**

Local Member: Councillor R Manning

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

- 1.1 Planning permission is sought to remove an agricultural occupancy condition attached to a farmhouse at The Farm, Paunton.
- 1.2 The condition was imposed on appeal in 1993. The dwelling has a floor area of approximately 276 square metres.

### **2. Policies**

Planning Policy Guidance Note 7 – The Countryside – Environmental and Economic and Social Development  
Department of Environment Circular 11/95 – Use of Conditions in Planning Permissions

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

Housing Policy 10 – Removal of Agricultural Occupancy Condition

#### **Hereford Unitary Development Plan**

H8 – Agricultural and Forestry Dwellings

### **3. Planning History**

MH91/534 - 5 Bedroom house with garaging. Withdrawn.

MH91/795 - New agricultural dwelling. Refused 16 July 1991.

MH91/816 - Temporary siting of portacabin. Approved 15 August 1991.

MH92/638 - Erection of agricultural dwelling. Refused 17 November 1992. Appeal allowed 21 June 1993.

MH93/1468 - Approval of Reserved Matters - Erection of an agricultural dwelling. Approved 31 January 1994.

#### **4. Consultation Summary**

##### Internal Council Advice

4.1 Head of Engineering and Transportation - No objection.

4.2 Head of Property Services - Comments awaited.

#### **5. Representations**

5.1 Bishops Frome Parish Council raise no objection to this application.

5.2 The applicant's agent has submitted the following information:

1. The previous decision was taken in the light of the fact that the appellant had previously sold off several properties, using the sale proceeds to reduce farming debts.
2. The appellant gained approval of Reserved Matters on 31 January 1994 under reference MH93/1468 and the house was completed and occupied by the end of 1994.
3. Production of hops continued until the applicant suffered a total loss of crop in 1996/1997, brought about by 'verticillim', a deadly hop disease; this forced him to sell the majority of his land holding which mainly comprised the hop growing areas, in order to clear farm debts.
4. The holding now comprises the farm house set in a relatively large garden and bounded by pasture, orchard, rough and coppice with a total of approximately 8 acres.
5. The land comprising the present holding is clearly not viable in the agricultural sense nor is there a functional need to live on the land concerned.
6. The applicant therefore seeks to sell his dwelling and move to a more appropriate unit of accommodation, probably somewhere within the area.
7. Property has been marketed for a period of 5 months during July to November 2003. The property has remained and is still on sale with particulars readily available at the estate agents office, together with listings on two web sites.
8. The agent has confirmed that, in his opinion, the asking price for the property is fair and reasonable taking into account the occupancy restriction, but in spite of this no offers have been received.

9. Development Plan policy generally permits the removal of Agricultural or Forestry occupancy conditions where it can be shown that the property concerned has been marketed, at a price which reflects its true market value for a period of at least 6 months. The applicants; believe that they have satisfied this requirement by placing the sale in the hands of a local estate agent well versed with the agricultural community and farming practices.
10. Given that the property is on sale in a buoyant housing market during which property value have continued to increase, and since no intended purchaser has come forward, it is clear that the dwelling is no longer required for any agricultural or forestry activity in the area.
11. Realistically the land and buildings are not viable in the agricultura/forestry sense and are clearly unable to sustain a dwelling which is overly large in relation to the agricultural needs of the present land holding.
12. The marketing exercise has been conducted for a period well in excess of the 6 months required by the provisions of the Development Plan and as a result it seems that there is no evidence to indicate that there is likely to be a demand in the locality by eligible occupants who could satisfy the terms of the occupancy condition.
13. The market exercise has clearly shown that it is no such interest from those able to satisfy the said condition and the applicant, who through no fault of his own was forced to sell land, is currently unnecessarily obliged to remain in occupation simply by virtue of the condition.
14. This is a case where, because of the size of the dwelling and the limited amount of land available, no viable agricultural/forestry activity can take place on unit.
15. Whether or not the dwelling was ever justified is now open to question, but nevertheless, planning permission was granted on appeal against the obvious doubts about viability expressed by the Local Planning Authority.
16. The decision on this application should not hinge on this issue since, in our opinion, the application for removal of the condition satisfies both Development Plan Policies and National Planning Policy Guidance and we hope therefore that you will feel able to make a positive recommendation to your Planning Committee.

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 farmhouse has a floor area of 276m<sup>2</sup> and has been marketed at a value of £350,000 which is two-thirds of its true value (£525,000) with an agricultural condition.
- 6.2 PPG7 Annexe I, Paragraph 21 advises that changes in the scale and character of farming in response to market changes may affect the longer-term requirements for dwellings with occupancy conditions. Such dwellings should not be kept vacant nor should the present occupants be unnecessarily obliged to remain in occupation simply by virtue of the planning condition restricting occupancy, which has outlived its usefulness.
- 6.3 In this respect the majority of the land has been sold to clear the farm debts leaving a five-bedroom farmhouse with a large garden and an eight-acre orchard. This in itself is not sufficient to warrant the retention of the condition. Furthermore, marketing of the dwelling has confirmed that there are no 'agricultural workers' who can afford or require this size of dwelling in the locality.
- 6.4 In essence the size of dwelling permitted was excessive to meet the needs of an agricultural worker. The proposal therefore meets the criteria advised by PPG7 and Housing Policy 10 of the Malvern Hills District Local Plan and Department of Environment Circular 11/95.

**RECOMMENDATION**

**That planning permission be granted.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**8 DCNE2004/0951/O - SITE FOR DETACHED DWELLING AT FORGE COURTYARD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG****For: Canon Frome Developments C A Masefield  
Building Design Services 66-67 Ashperton Road  
Munsley Ledbury Herefordshire HR8 2RY****Date Received:  
16th March 2004  
Expiry Date:  
11th May 2004****Ward:  
Frome****Grid Ref:  
64819, 43279**

Local Member: Councillor R Manning

**1. Introduction**

This site is located within a group of new houses and conversions on the former Wargents Engineering Workshop at Canon Frome. The proposal, in outline form, is to build upon a proposed play area and create a new play area to the rear of the proposed building plot. The building plot will measure approximately 17.2 metres by 28.6 metres. The play area measures 17.2 metres by 13 metres.

**2. Policies**

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

Hereford and Worcester County Structure Plan

Policy H16A – Housing in Rural Areas  
Policy H20 – Housing in Rural Areas  
Policy CTC9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7 – Housing in the Countryside Outside Settlements  
Policy RST4 – Safeguarding Existing Open Space

### 3. Planning History

NE2000/1938/O – Redevelopment of agricultural engineers yard to provide for the erection of 2 nos. detached three-bedroom dwellings and the provision of 3 nos. two bedroom dwellings through conversion of two existing buildings. Approved 20th December 2000.

NE2001/2109/RM – Redevelopment of existing agricultural engineers yard to provide 5 no. dwellings by conversion of existing buildings and new build. Approved 19<sup>th</sup> October 2001.

NE2002/0712/F – Variation of condition 7 of Planning Permission NE2000/1938/O to provide reduced visibility splay. Approved 16<sup>th</sup> April 2002.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required.

#### Internal Council Advice

4.2 Head of Engineering and Transport recommends conditions.

### 5. Representations

5.1 Castle Frome Parish Council raise no objections.

5.2 One letter of objection has been received from Mr P K Clarke, 7 Hopton Yard, Canon Frome, Ledbury

The main points raised are:

- a) When I purchased my property I was informed that the play area was identified when a house was refused on it.
- b) The size of the house outlined on the plot appears excessive in relation to the plot and other houses.
- c) This will enclose the only open space in this development.

5.3 The applicants have submitted the following information in support of their approval.

- a) The whole site of this development was used for an agriculture engineering business until February 1999.
- b) The site of the proposed dwelling no. 5 Forge Courtyard, is the area on which an old timber framed barn stood until destroyed by fire a few years ago. Subsequently a metal framed agricultural building occupied the site.
- c) We have submitted plans for a play area nearby.

- d) The original planning consent was for 5 dwellings i.e. two new houses and the conversion of the Cider Mill into two dwellings and the Forge into one. We are now, with planning approval, converting the Cider Mill into one dwelling; therefore the proposed new house will be the fifth dwelling in the site.
  - e) The access is suitable.
  - f) The number of vehicles using the area when planning is granted for this house, will be far less than the traffic generated when the site was used as an agricultural workshop.
  - g) The sewage system installed large enough to receive the waste from the proposed house.
  - h) There is obviously a need for this kind of property in Canon Frome; the first house built was sold very soon after it was marketed. The second property sold shortly afterwards, before building work started.
  - i) There is a development containing 7 large houses to the north of our 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 This planning application has been submitted following investigation by the Council's Enforcement Section. Condition no.4 attached to the planning permission for re-development of the former agricultural engineering works required that details for equipment on the play area are submitted prior to the commencement of the development.
- 6.2 Planning permission was originally granted on this site for its re-development on December 2000, the plans for which had been amended during its processing by removal of a house on this site and inclusion of a play area. The applicant is now seeking to re-instate the house and move the play area to the rear of the new house away from the development it was proposed to serve. In addition no access way is proposed to the play area which would be land locked. Furthermore as the site is outside of any settlement boundary as identified by the Malvern Hills District Local Plan its development for housing is contrary to both local and national planning policies and advice contained in Planning Policy Guidance Note 3 and Planning Policy Guidance Note 7.

**RECOMMENDATION**

That planning permission be refused for the following reasons:

- 1 The site is located outside of any settlement boundary as identified in the Malvern Hills District Local Plan and accordingly its development is contrary to Housing Policy 4 together with Policies 16A and H20 of the Hereford and Worcester County Structure Plan.
  
- 2 The development of the identified play area with a dwelling is contrary to Planning Policy Guidance Note 3 in that the revised layout will create an isolated and land locked play area contrary to the principles of ground design layout and security.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

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

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

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

**Date Received:**  
**12th January 2004**  
**Expiry Date:**  
**8th March 2004**

**Ward:**  
**Bromyard**

**Grid Ref:**  
**65433, 54592**

Local Members: Councillors P Dauncey and B Hunt

## **Introduction**

This application was deferred at the last meeting to enable further negotiations with the application 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 1-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 Further to the Committee resolution to defer the application to negotiate revisions, the applicant's agent has submitted a further letter of representation responding to the recommended changes, under the following headings.

Density: of the development at around 30 dwellings per hectare is in line with PPG3. Cycle storage facilities and no on-site parking also comply with PPG3 and the requirements of the Council's Transportation Manager.

The scheme allows for the retention of on-street parking in Pump Street and provide an extended footpath.

Introducing a new access onto Little Hereford Street would be dangerous due to narrowness of road and lack of visibility.

There is insufficient area within the site to accommodate parking and manoeuvring space.

Amenities: of adjoining flats have been protected with no habitable rear windows facing in that direction and lowering ridge to avoid overshadowing. Access arrangements remain unaltered.

Listed Building: views to Nunwell House have been accommodated by introduction of footway and the angled splay of the corner building. This will 'frame' the view, not obliterate it.

In conclusion, the scheme as submitted is the result of negotiations and complies with all policies. It is therefore asked that the application be determined.

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 after initial receipt of the application, to secure design modifications in response to areas of concern. The size of the units was reduced and now consists of three 1 bed cottages (previously all 2 bed) and two 2 bed flats. The layout of the units was designed to ensure that only secondary windows are sited to the rear of the development and the height of the units was reduced to minimise the overall impact.
- 6.7 The scheme presented before the April Committee was the result of protracted negotiations which responded to concerns raised regarding the proposed development. No objections were raised by consultees. The layout of the development reflects the overall character of the area, with continuous frontage development, stepping down, with the natural fall of the land. Whilst sited in close proximity, and partially obscuring views from Pump Street, to a Listed Building, it is not considered that the proposed development will harm the setting of the Listed Building.
- 6.8 Members resolved to defer the application to allow discussions to take place with the applicant to consider the scope for further amendments to the proposed scheme.
- 6.9 However, as set out in paragraph 5.3 above, the applicant considers that particular care has been taken to produce an acceptable design solution for the site, responding to adopted local plan policy and government advice. They consider the recommended



changes to the layout would result in a sub-standard form of development, out of keeping with the overall character and appearance of the area. The applicant has confirmed that they are not prepared to make further revision on the basis of their comments in 5.3 and have asked that the application be determined as submitted.

- 6.10 It is considered that the scheme as submitted represents the most appropriate form of development and the recommendation is for approval.

## 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: To safeguard the character of the area and amenities of nearby residents.**

- 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 ) (insert 'to include details of external ramped accesses and changes of level to rear of development')**

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

**Informatives:**

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

NC2004/0102/C

That Conservation Area Consent be granted subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation areas) Act 1990.

- 2 - C14 (Signing of contract before demolition) (delete 'building', insert 'wall')

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**11 DCNC2004/0614/F - CONVERSION OF EXISTING BUILDING TO CREATE 4 ONE-BEDROOMED AND 4 TWO-BEDROOMED RESIDENTIAL UNITS AT 19 PUMP STREET, BROMYARD, HEREFORDSHIRE, HR7 4BY**

**For: Morpheus Construction Ltd, Linton Design Group, 27 High Street, Bromyard, Herefordshire. HR7 4AA**

**Date Received:  
19th February 2004**

**Ward:  
Bromyard**

**Grid Ref:  
65474, 54511**

**Expiry Date:  
15th April 2004**

Local Members: Councillor P Dauncey & Councillor B Hunt

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

- 1.1 The site is the old methodist chapel, last used by Record Printers, on the junction of Pump Street with the A44. There is vehicular access off Pump Street leading to a small carparking area. The site is located in the Bromyard Conservation Area and within the principle shopping and commercial area of Bromyard as shown on inset map 13.1 Bromyard in the Malvern Hills District Local Plan.
- 1.2 This application proposes the conversion of the chapel building to 4 one-bedroomed and 4 two-bedroomed residential units. Cycle storage is proposed. There is no off street parking associated with this development.

## **2. Policies**

- 2.1 PPG1 – General Policy and Principles  
PPG3 – Housing  
PPG13 – Transport  
PPG15 – 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 – Principle Shopping and Commercial Areas  
Shopping Policy 3 – Restrictions on Development within Principle Shopping and Commercial Areas  
Conservation Policy 2 – New Development in Conservation Areas  
Transport Policy 8 – Car parking and servicing requirements

### 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

No relevant history.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required.

#### Internal Council Advice

4.2 Head of Engineering and Transportation - No objection subject to the imposition of conditions.

4.3 Historic Buildings Officer - No objection in principle.

### 5. Representations

5.1 Bromyard Town Council agreed to support this application, but once again would bring to the Planning Department's attention the lack of provision for parking for 8 no. dwellings.

5.2 Letters of objection have been received from:

Mr D Verrinder, 3 Victoria Avenue  
R P Price, 7 Victoria Avenue

The main areas of concern are:

- a) as we have lost the car parking at The Tan Yard any further development will have an impact not only on Victoria Avenue but Bromyard in general
- b) in the last year we have had many more houses built in the Pump Street area without car parking
- c) parking in adjoining roads causes a nuisance
- d) trees are to be removed
- e) it will effect residential amenity through overlooking
- f) loss of employment facility

- g) the basement floods as does others in the Victoria Avenue
- h) it will lower the quality of life in this part of Bromyard.

- 5.3 In support of this proposal the applicant's agent advises: The building has been marketed without interest shown for alternative commercial or employment use.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The site is located in the principle shopping and commercial area of Bromyard, as shown on inset map 13.1 Bromyard in the Malvern Hills District Local Plan. Also it is within the Bromyard Conservation Area.
- 6.2 The local environment is characterised by a mix of housing types and styles, there is also a doctor's surgery almost opposite the site.
- 6.3 Although previously in employment use the building has been vacant for at least 12 months and prior to the submission of this application the owner undertook a marketing exercise to establish whether the building retained its employment potential. However, following extensive marketing no interest has been shown to retain the building in employment use. Given the situation the re-use of the building for residential purposes is considered acceptable.
- 6.4 The application proposes the conversion of the building to residential units comprising of 4 one-bedroomed and 2 two-bedroomed dwellings. In terms of its conversion the proposal is considered generally acceptable though some minor changes are required to ensure that the character of this building is maintained.
- 6.5 The sites central location allows access to employment and local services by modes of transport other than car. The lack of car parking provision is considered acceptable in this locality. The site location, coupled with the availability of public transport in close proximity lends itself favourably to no parking provision thereby creating a sustainable form of development.

## **RECOMMENDATION**

**Subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to consultation with the Local Member and Chairman, and subject to the following conditions and any additional conditions considered necessary by officers:**

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

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

**2 - H08 (Access closure )**

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

**3 - 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.**

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**12 DCNC2004/0778/RM - RESIDENTIAL DEVELOPMENT FOR APPROVAL OF RESERVED MATTERS UNDER OUTLINE PLANNING PERMISSION REF NC2000/3426/O AT LAND ADJOINING BELMONT, STOKE PRIOR, LEOMINSTER HEREFORDSHIRE PARCEL NO. 1754**

**For: Mr & Mrs B Shaw per Mr P.H. Bainbridge Stone Cottage Duke Street Withington Hereford HR1 3QD**

**Date Received:**  
**2nd March 2004**  
**Expiry Date:**  
**27th April 2004**

**Ward:**  
**Hampton Court**

**Grid Ref:**  
**52178, 56540**

Local Member: Councillor K. G. Grumbley

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

- 1.1 The site is located on the south side of the C1110, to the south east of its junction with the Stoke Prior Road and between the village hall and Belmont, a detached bungalow. A public footpath crosses the site. The site is an area of grass keep, 0.249 hectares in area, in an elevated position, and slopes away from the village hall towards Belmont. It is located in the Settlement Boundary for Stoke Prior.
- 1.2 This is an application for the approval of Reserved Matters for 3 cottage style dwellings and private drive that will run close to the boundary with Belmont and would egress onto the C1110. A 1.2 metres high close boarded fence is proposed along the boundary to Belmont. Foul drainage is to be disposed of by way of a treatment plant with secondary filtration. The plant is to be located on a triangular piece of land in the north west corner of the site, between the site entrance and Belmont.

### **2. Policies**

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

Leominster District Local Plan

A2 – Settlement Hierarchy  
A24 – Scale and Character of Development  
A54 – Protection of Residential Amenity  
A55 – Design and Layout of Housing Developments

Herefordshire Unitary Development Plan (Deposit Draft)

H6 – Housing in Small Settlements

### **3. Planning History**

NC2000/3426/O – Residential development – outline planning permission granted 7 March 2001.

NC2003/1503/F – Erection of 4 detached dwellings with garages and private drive – refused 28 January 2004, for the following reason:

*'It is considered that the proposal is contrary to policy A54 of the adopted Leominster District Local Plan (Herefordshire) in that it would have an adverse impact upon the residential amenity of the occupiers of Belmont. Furthermore, that the erection of dwellings in such close proximity to the village hall would impact adversely upon the operation of the hall to the detriment of the amenity of local residents utilising it.'*

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Environment Agency – no objection in principle.

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation – recommends conditions.
- 4.3 Public Rights of Way Officer comments as follows: “The development as indicated on the plans do impact on the Public Right of Way SP9. The developer should apply for a Diversion Order to the Town and Country Planning Act 1990.”

#### **5. Representations**

- 5.1 Stoke Prior Parish Council comments as follows: “The Parish Council still has some concerns over this application, as follows:

- a) The slope of the access road. Originally required to be not more than 1 in 12 in the Outline Planning Permission, this road is only 1 in 12 for 5 metres. After that it would be 1 in 8.
- b) Two-stoned dwellings. The Council considers that two-stoned houses may be inappropriate, because of possible overlooking of adjacent properties.
- c) The Council is uncertain whether the proposed turning area will be sufficiently large for delivery vehicles.
- d) The Council is concerned over possible flooding of the road with the additional drainage.”

- 5.2 Six letters of objection have been received. The main planning points raised are:

- a) Three properties are too many for this site.
- b) The orientation of the dwelling of plot 1 is damaging to the street scene and therefore to the character of the village.
- c) Loss of on-street parking for the village hall and a provision of replacement.
- d) Parking within the site is contrary to Policy A62.
- e) There is an underground water supply crossing the site.
- f) The gradient to the site entrance is too steep.
- g) The proposed dwellings would overlook to an intrusive degree to surrounding properties.

- 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 site has the benefit of Outline Planning for residential development, NC2000/34/26/O refers. The permission did not restrict the number of dwellings. Therefore the determining factors of this application are those relating to the siting and appearance of the dwellings and their impact on the locality together with impact on the amenities of the adjoining bungalow The Bungalow and the adjoining village hall.
- 6.2 The application has been submitted following the refusal of NC2003/1503/F, which was for 4 detached exposed timber framed dwellings.
- 6.3 In terms of density, the application is for 3 dwellings on 0.249 hectares of land. Government Guidance on housing density is contained in Planning Policy Guidance Note 3 – Housing, recognises that for the efficient use of land there should be between 30 – 50 dwellings per hectare. This proposal is for 3 dwellings, which equates to 16 dwellings per hectare, which is well below the Government threshold. Although this is below the recommendations of Planning Policy Guidance Note 3 it is considered to be an appropriate number of houses for this site and which reflects the pattern of development found locally. Arguments that the proposal represents an over development of this site and would be difficult to sustain, and is not, in the opinion of the officers sufficient reason to refuse this application.
- 6.4 In terms of scale of the dwellings, the submitted plans show that the footprint of the proposed dwellings are much smaller than the original proposal and much smaller than Belmont, the adjoining bungalow. Although it is acknowledged that the proposed two storey dwellings are on an elevated site this is not dissimilar to other developments that have taken place elsewhere in Stoke Prior and therefore reflects the general characteristics of the locality. They are also of a style appropriate to the village. As far as the impact on the amenities of the adjoining dwelling is concerned, Officers acknowledge the ground level of the site is higher than Belmont. However, it is further considered that the orientation of the cottages, together with the proposed tree planting, will not create a development that will give rise to loss of amenity through overlooking or overshadowing.
- 6.5 Access will be off the C1112 with a private drive to serve the 3 dwellings. The gradient of the drive is shown as 1 in 8 which accords with the requirements of the Outline planning permission. Three dwellings off a private drive is an acceptable form of development in terms of the Council's design guidance on highway standards. The visibility splays required to serve a small development of 5 houses can be easily achieved within the limits of the highway without removing hedgerows thereby preserving the rural characteristics of the area. However, visitors to the village hall do park their vehicles on the side of the road and on the grass verge. The Transportation Manager has confirmed that this is highway land, which extends from the centre of the hedges/boundaries either side of the lane; as such parking on the verge could be considered an obstruction.
- 6.6 The matter of car parking for the village hall was considered at the time of the Leominster District Local Plan Inquiry. The Parish Council wanted a proposal to be included within the Plan for parking to be provided on land adjacent to the village hall with Leominster District Council using Compulsory Purchase Order powers to bring the site forward. The response from Leominster District Council at the inquiry was that there were no resources identified or available and therefore such a proposal was inappropriate. The Inspector agreed and said "in the absence of firm funding sources

and commitments, it would be inappropriate to include proposals to facilitate further development which have no realistic prospect of implementation during the plan-period. Thus the identification of proposals for car parking, mains drainage and other services would not improve the Plan and recommended no change be made to the plan.”

- 6.7 In granting outline planning permission for residential development on this site there was no requirement for village hall car parking to be provided within the application site. Given this history it is considered unreasonable to require the applicant to provide parking for the village hall.
- 6.8 Mention is made that the development of this site will hinder the social activities/gatherings/meetings at the village hall insofar as fire escape and loss of daylight/sunlight. Insofar as the means of fire escape is concerned, it is understood the PC had an agreement with the previous landowner that when evacuating the village hall people would assemble on the site. However, this agreement is not a material planning consideration in the determination of this application. Consideration has been given to potential loss of sunlight/daylight to the village hall. Any loss of light through the windows that are on the west side of the hall will arise during late evenings in summer months, and late afternoon throughout the rest of the year. While it is acknowledged that 2 of the proposed dwellings will be close to the hall it is not considered that they are in a position that will give rise to significant loss of light to the village to prevent activities taking place.
- 6.9 The matter of flooding has been taken up by the Environment Agency who comment the site is outside the Agency’s Indicative Floodplain map. However they further comment that to reduce the effect of new development on flooding it is recommended that the site incorporate Sustainable Urban Drainage (SUDs) techniques and Best Management Practices these may include preventative measures (e.g. rainwater harvesting, recycling, good practice design and maintenance), use of permeable surfaces, soakaways. These though are matters that will be dealt with under Building Regulations.

## **RECOMMENDATION**

**That 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 - H04 (Visibility over frontage )(2 metres)**

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

**3 - H06 (Vehicular access construction )**

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

**4 - H08 (Access closure )**

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

5 - H09 (Driveway gradient )

Reason: In the interests of highway safety.

6 - 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.

7 - H17 (Junction improvement/off site works )(replace works with suitable pedestrian footway across the frontage of the site)

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

8 - H27 (Parking for site operatives )

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

9 - H28 (Public rights of way )

Reason: To ensure the public right of way is not obstructed.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN05 - Works within the highway
- 4 - HN04 - Private apparatus within highway
- 5 - HN13 - Protection of visibility splays on private land
- 6 - HN19 - Disabled needs
- 7 - HN22 - Works adjoining highway
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**13 DCNC2004/0877/F - EXTENSION OF INDUSTRIAL PARKING AREA (RETROSPECTIVE APPLICATION) AT LONGMEAD, ELMS GREEN, LEOMINSTER, HEREFORDSHIRE, HR6 0NS**

**For: John Ruck Construction per David Taylor  
Consultants The Wheelwright's Shop Pudleston  
Leominster Herefordshire HR6 0RE**

**Date Received:**

**9th March 2004**

**Expiry Date:**

**4th May 2004**

**Ward:**

**Leominster South**

**Grid Ref:**

**50250, 56172**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The application site is located on the west side of the B4361, approximately 2 kilometres to the south of Leominster in an Area of Great Landscape Value. The rising ground to the rear of the site is described as Principal Wooded Hills in the Landscape Character Assessment, and the flat land close to the road is the landscape type Principal Settled Farmlands.
- 1.2 The existing development at the site is located within a strip of land, which runs back from the road. There is a new office block, set back from the road, with large industrial buildings to the rear.
- 1.3 The industrial parking area, the subject of this application has been extended into a field to the south-east of the existing development. The level of the land has been built up above the level of the field. The land is currently being occupied by a number of trailers, and the application seeks to regularise this currently unauthorised development.

**2. Policies**

2.1 PPG 7 – The Countryside and Rural Economy

2.2 **Hereford & Worcester County Structure Plan**

E6: Development in Rural Areas outside the Green Belt  
CTC2 Development in Areas of Great Landscape Value

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

- 3.1 NC03/1611/F Extension to industrial parking area (retrospective application) Refused permission 22 July 2003.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required

### Internal Council Advice

- 4.2 Head of Engineering and Transport has no objection subject to an area within the site must be kept clear of parked vehicles so that other vehicles can turn so that they may enter and leave the site in a forward gear.

## 5. Representations

- 5.1 Leominster town council: - recommend refusal, as the proposed extension encroaches onto agricultural land, and council again expresses concern over the continuing expansion and development of this site for industrial purposes.
- 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 application is a resubmission following the refusal of planning permission. The application has been amended to include significant structural landscaping to help assimilate the development within the wider landscape setting.
- 6.2 The unauthorised parking area is a visually intrusive element, because it breaks through a hedge line, and is elevated above the natural ground level of the field. However, the proposed landscape scheme, which comprises woodland planting and orchard planting, would mitigate both the adverse visual impact of the extended parking area, and the visual impact of the existing development. As such there is a benefit, in terms of securing substantial planting.
- 6.3 The applicant has agreed to extend the area of planting and to grade the land to improve the effectiveness of the proposed planting adjacent to the parking area.
- 6.4 Subject to conditions requiring the implementation of the planting scheme the application is recommended for approval.



**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

**1 - A09 (Amended plans )**

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

**2 - G03 (Landscaping scheme (housing development) - implementation ) (shown on approved plan)**

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**14 DCNC2003/1895/N - PILOT PLANT FOR ACCELERATED COMPOSTING OF ORGANIC MATERIAL FOR 5 YEARS AT WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX**

**For: Bioganix Ltd at above address.**

<b>Date Received:</b>	<b>Ward:</b>	<b>Expiry Date:</b>	<b>Grid Ref:</b>
<b>1st July 2003</b>	<b>Leominster South</b>	<b>26th August 2003</b>	<b>51022, 55925</b>

Local Members: Councillor R Burke and Councillor J P Thomas

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

- 1.1 The application site is at Wharton Court, about 3.1 Km south of the centre of Leominster immediately off the A49(T). Wharton Court is a Grade II\* Listed Building dating principally from the 17th century. Two barns close to the Court are themselves separately and specifically listed as 16th century and combined 17th and 18th century respectively. The nearest houses are at Wharton Court (about 35m to the south-east), Stone Farm (350m to the west) and around Wharton Bank (13 houses 250 - 400m to the south-west).
- 1.2 The River Lugg SSSI/cSAC is about 250m to the east of the site.
- 1.3 The application site itself is irregularly shaped about 80m x 90m along the longest dimensions.
- 1.4 The proposal is retrospective and is for the retention of a Pilot plant for the accelerated composting of organic material for 5 years. The applicant operates a novel in-vessel feather composting business. The operation is carried out on a Pilot scale to determine the efficacy of the process for degrading feather in accordance with the requirements of the Animal Byproducts Order. The site has been operational since February 2002. The development began within a former agricultural building which was given permission for a change of use to commercial workshops in October 2000 under ref: NC2000/0267/F. There were no restrictions on that use, the original development was therefore within that permission. Had it remained within that building Officers consider that it would have been in accordance with that permission regardless of how offensive it became and that enforcement under planning law would not have succeeded. It would not however have been immune from enforcement under other legislation (e.g re nuisance or waste management). Because the operation extended outside of the permitted 'workshop' area it became unauthorised. The application has been submitted as a result of subsequent investigation by the Council's Enforcement Officer and amended as a result of inspections by the Council's Environmental Health Officer. The operator has made a number of alterations to the process to meet these. Permission is now sought for the temporary retention and use of new and altered buildings, the process equipment, external abatement facilities and an external bio filter until 1 July 2008.

- 1.5 The process itself uses a loading shovel and mixing vessel to mix poultry and stable manure (20%), poultry (feather) waste (61%), separated kitchen waste (8%), paper (5%) and green waste (5%) within an enclosed building. These materials are mixed and fed into a processing vessel circa 20m long x circa 4m in diameter, rotating under heat, at 4 revolutions per hour. Treated compost is then screened and dried before being loaded into bulk trailers for delivery to farms where it is used as a composting material. Loading and processing take place within a corrugated iron building under negative air pressure. External equipment consists of 3 air scrubber towers, to clean exhaust air of dust, particles and odours, a series of chemical treatment tanks and a large external bio filter from which treated air discharges to atmosphere.

## 2. Policies

Waste Strategy 2000  
Planning Policy Guidance Note 10

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

WD2 – Location and Need  
WD3 – General Development Control criteria  
E14 – Adequate Disposal of Waste  
E15 – Dangerous or difficult Waste  
CTC3 – Protection of Sites of International Importance  
CTC7 – Protection of Listed Buildings  
CTC9 – General Development Control Criteria

### **Leominster District Local Plan**

A1 – General Development Control Criteria  
A3 – Protection of International Sites  
A4 – Protection of SSSI  
A13 – Monitoring Pollution Control  
A14 – Safeguarding Water Resources  
A15 – Development of Watercourses  
A18 – Listed Building and their Settings  
A24 – Scale and Character of Development  
A36 – New employment in Rural Buildings  
A70 – Traffic  
A76 – Parking

## 3. Planning History

NC1999/2252/F – Proposed mushroom growing unit, new barn, extensions to existing barn, new farm buildings, associated landscape works – granted 8<sup>th</sup> March 2000

NC2000/0267/F – Change of use from agricultural workshops to commercial workshops – Granted 18<sup>th</sup> October 2000

Adjoining Land

97/0461/S – Continuation of earth barrier as noise/visual barrier alongside the A49 – Prior Approval Required 1<sup>st</sup> July 1997

97/0788/N – Continuation of Earth Barrier as noise/visual barrier alongside the A49 – Permission granted 17<sup>th</sup> December 1997.

NC99/2318/F – Change of Use from agricultural workshops to commercial workshops – granted 8<sup>th</sup> March 2000.

#### 4. Consultation Summary

- 4.1 The proposal was advertised on site, in a newspaper and 29 neighbour notification letters were sent out.

##### Statutory Consultations

#### 4.2 Environment Agency

Originally imposed a Holding Objection, requiring a Flood Risk Assessment of the site and recommended an Ecological Survey. They have subsequently withdrawn their objection and confirm that the application site is outside of the theoretical 1 in 100 year flood level and therefore outside of the 1 in 100 year floodplain of the River Lugg. Conditions are recommended to require surface water drainage schemes to be agreed to control pollution. The need to protect the River Lugg SSSI/cSAC and water voles is emphasised.

- 4.3 English Nature state that “whilst there have been no discernible downward environmental trends arising from the operation of this plant by the river Lugg SSSI/cSAC, it is good to have the safeguards present. English Nature commends the efforts that you have placed on securing regulation at this site in the form of this retrospective application.”

In a subsequent letter they note, “It is clear from the nature of the process that the threat considerations which were raised at a recent application are probably unfounded, as such English Nature is fairly neutral on the proposal.”

- 4.4 Highways Agency, have no objections.

- 4.5 Network Rail do not wish to comment.

- 4.6 English Heritage, originally commented that they “regard this as an inheritantly unsuitable location for an expanding and intensive industrial activity. It creates an alien neighbour for this fine 17<sup>th</sup> Century house and degrades the character of its historic setting. It is difficult to see how this scale of construction and activity could be adequately mitigated by landscaping measures – note the visual impact for example of building 4... English Heritage therefore objects to this application.”

Following on site discussions with officers they have now withdrawn their objections provided that any permission is time limited to 5 years and there is a binding commitment to a strategy (as set out in outline by Mr Helme in the document accompanying his letter of 26<sup>th</sup> March) ...this will need detailed agreement for the immediate implementation of some landscaping and any necessary holding repairs for the historic farm buildings. Clarification will be provided at the meeting itself.

- 4.7 DEFRA, Officers consulted DEFRA because the DEFRA website appears to endorse the application. DEFRA are adamant however, that this is not the case, and that the application does not fall within the (Loss of Agricultural Land based) consultation in the GPDO and that DEFRA does not therefore make any comments.

4.8 County Transportation Manager does not wish to restrict the grant of permission but expressed concern about the need for adequate parking and turning space and the site layout and that access should only be via the trunk road not via the over bridge to the B4361.

4.9 EHO has submitted 3 detailed responses, summarised:

“This service has received a large number of complaints regarding malodorous emissions from the composting operation at the above site. The complaints are mainly from the residents of Stoke Prior, Ford Bridge and Wharton Bank, however complaints have also been received as far away as Leominster. Complaints are also occasionally received from persons travelling on the A49...”

“The information available to me as regards this proposal in the main indicated that should proper controls and practices be employed that it can be undertaken without causing odour nuisance. If this application is successful it will be subject to the requirements of a waste disposal licence which will impose condition as regards such controls and practices...”

“The odour plume analysis suggests that the odour emissions from the composting can be treated to a level that should not cause nuisance nor give rise to a loss of residential amenity. The sampling done shows clearly that there is a substantial improvement in the removal of odour from the extract gases once they pass through the Biofilter achieving a reduction in odour of approximately 90%. Prior to the introduction of this filter the odours emitted through the exhaust system were at a much greater concentration and gave rise to numerous complaints and were in my opinion unacceptable. Information available to me in the way of odour monitoring in the main supports the conclusions of the odour plume analysis, the exception being the observations by residents keeping records.

It is not readily possible to validate these observations as the records are provided retrospectively and there is a possibility that some of the episodes of unacceptable odour may be due to some source other than Bioganix. Assuming that the odour plume analysis is correct it is also possible that these are due to fugitive emissions i.e. odorous air, which has not passed through the control systems. Such emissions would not have been considered as part of the odour plume analysis. If it is minded to grant planning permission it may be appropriate to require that the integrity of the buildings etc is checked by smoke testing or similar and that enclosed conveyors are provided to transport materials between buildings...”

... that lorries should be sheeted and that it is not clear if the noise worries raised relate to the operations at Bioganix or some other activity on the Wharton Court site.

4.10 Head of Conservation, notes, that this tall, stone built Jacobean house dominates the flatlands formed by the Lugg and the Arrow and must have been built to be seen and admired. Four storeys tall, the prominent chimneys rising from each corner, it commands the valley from Leominster to Hampton Court. Pevsner described it as ‘forbidding’ and indeed it is. The presence of the 17<sup>th</sup> Century to the north of the court suggests an agricultural livelihood has always been associated with this place. Although railway, trunk road and bypass break up the estate, the powerful presence of the house is still very evident along each of these routes. “The nature of the expansion at Wharton Court and the spread of its operation seriously threatens the visual quality of the house within its setting. As part of plans for agricultural diversification, a series of functions have stealthily invaded the area to the north of the Court house and its appearance is now marred by industry. The latest application to

retain sheds and containers will further contribute to the blight that is currently affecting the enjoyment of the Court.”

This retrospective application is to retain 12-metre high steel clad shed to one side on existing modern barn to the northwest of the Court. The application also seeks approval for the retention of some 9 metre high industrial containers and associated sheds. All of these new buildings may be seen within the same field of vision as Wharton Court and are in close proximity to the 17<sup>th</sup> Century timber framed barns. The new 12-metre high building is extremely prominent, so much so that it competes with the Court for attention. From whichever direction the Court is approached, but more especially from the north the new building is so visually dominant that it itself has become the ‘forbidding’ element that is robbing the house of one of its most noted qualities. In the same way the humble vernacular quality of the 17<sup>th</sup> Century timber framed barn is completely dwarfed by its neighbours.

In principle, agricultural diversification is well supported and is to be generally encouraged especially where compatible new uses can contribute to the upkeep of the historic property. Indeed PPG 15 (3.5 para 4) advises that this issue should form part of the consideration for listed building consent. However, the operations at Wharton Court which by stealth spread in both scale and type so that the site resembles an industrial estate rather than a traditional farmyard and the 17<sup>th</sup> Century ambience of the place is quite lost amongst it all. PPG 15 (3.3) recognises that ‘minor works of indifferent quality which may seem of little importance, can accumulatively of very destructive... and I am of the opinion that this application to regularise... business would serve to further erode the quality of the setting of the house.

On the setting of listed buildings, PPG 15 (2.17) further advises that ‘tall or bulky buildings might affect the setting of listed buildings at some distance and alter the historic skyline’ given the fact that this new building can be seen for some distance along the valley and that it competes with the outline of the older, I feel that this affect will be harmful. Under policy A18 of the District Local Plan application, which adversely affect the setting of a listed building, should be refused. I would advise that this application adversely affects the setting of Wharton Court and should not therefore be granted.

## **5. Representations**

- 5.1 Humberside and Stoke Prior Group Parish Council, originally recommended approval, subject to the applicant obtaining a waste management licence, a trial period of several months to assess odour omissions, before both the plant reaches full capacity and full planning permission is given... In a subsequent letter they commented that unless the smell nuisance is eliminated by 10<sup>th</sup> December 2003 the Council will withdraw its approval and object on the grounds that the company is not capable of operating without the severe nuisance to the local community. On December 19<sup>th</sup> the Parish Council withdrew their support and objected.
- 5.2 Leominster Town Council originally recommended that permission should be refused because the process continues to cause severe odour problems over a very wide area and would like to see the problem under clear control before a temporary permission for 5 years should be allowed. In a subsequent letter on 6<sup>th</sup> January 2004 they commented that “ the company had been granted plenty of time in which to refine their ommision control and had failed miserably... that travel along the Leominster Bypass is regularly affected by strong, foul odours and in certain conditions, the Town of

Leominster is still seriously affected. Leominster Town Council feel that the company has been given both time and support in perfecting a process which is severely affecting the local community for many months and has failed in that aim. (They) strongly recommend that the planning permission be withdrawn and the company be obliged to cease operation of the process which causes foul omissions. They "consider it unthinkable that the residents of a large area to the north of our County should be subjected to any further episodes of very unpleasant and uncomfortable daily living conditions."

5.3 Hope Under Dinmore Parish Council originally recommended that planning permission should not be granted until members have held a site inspection and the river Lugg IDB have been consulted (because of the possibility of contamination), that permission should only be granted for one year periods until the operation is nuisance, noise free, in accordance with the Waste Management Licence and the quantity proposed for treatment can be properly maintained. They have subsequently (December 2003) withdrawn 'on the grounds that the firm is not capable of eliminating the smell nuisance,... that the plant is irretrievably flawed. It should not be operating'.

5.4 16 Letters of objection have been received from:

Mrs L Hazel, Yew Tree Cottage, Briery enclosing a petition signed by 7 people.  
Mr & Mrs Evans, 1 Wharton Lane Cottages, Wharton  
Mr & Mrs Jones, Sunnyside, The Street, Poynings, West Sussex  
Mrs J Taylor, 44 Castle Fields, Leominster  
Mrs S Heckler, Moriah House, Hornsteffan, Camarthenshire  
Mrs G M Wainwright, Railway Cottage, Stoke Prior  
Mrs J Biddle, Fernside, Stoke Prior  
Mrs C Proctor, 15 Kenwater Close, Leominster  
Mrs J O Magridge, The Prill, Stoke Prior  
W G & C M Smith, 2 Wharton Lane Cottages, Wharton  
Mrs C K Patterson, Wharton Cottage, Wharton Bank  
Mr I T Hamilton, Cooks Folly, Wharton  
Mrs M A Jones, Stoke Farm, Stoke Prior  
Mr & Mrs Evans, The Dalmonds, Stoke Prior  
A E Luck, Highlands, Wharton Bank  
B G Scott, Bannut Tree Cottage, Fordbridge, Leominster

5.5 The principal points of objection are:

- Misleading claims by the applicant
- Noise nuisance
- Undesirable traffic effects
- Impact on the Flood Plain
- Adverse effects on the setting of a historic building
- The unsaleability of local houses
- The risk of pollution
- The unsuitability of location

An almost universal complaint however has been of the odour nuisance produced on the site which is generally described by respondents in terms of being repulsive, obnoxious, a putrid stench and intolerable to the point of causing sickness and distress and that these smells prevented the enjoyment of houses and gardens, seriously affected the quality of life, the enjoyment of food, social life, have required windows



and doors to be closed causing particular difficulty in hot weather and generally cause adverse effects on local businesses and tourism.

One letter of support has been received from J A Puck of Longmead, Elms Green, Leominster HR6 0N5 who states that 'It is true up to December 2003 there had been a very strong emission during the process but since December there has been no smell at all owing to the new fertilising systems. Mr Elms process prevents the waste going to landfill sites and is good for the environment which we should all support.'

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

## 6. Officers Appraisal

- 6.1 Members should be aware that another application for retrospective planning permission for the continuation of use of an agricultural yard as a waste transfer station for demolition and excavation materials (ref. NC2003/0753/N) is also outstanding and adjoins this application site. Officers hope to bring a report to the Sub-Committee soon.
- 6.2 The Sub-Committee held a formal site inspection on 6<sup>th</sup> April 2004.
- 6.3 Members should be aware that if permission was to be granted the applicant would need a Waste Management Licence from the Environment Agency. The Licence would control the kinds of waste involved and how they are to be treated in order to minimise the risk of pollution. The Agency has discretionary powers to refuse licences, require them to be modified and has powers of prosecution. A licence cannot be granted until a planning permission has been issued.

The Plant has recently been temporarily licensed by DEFRA to compost animal and catering waste under the Animal By Products, Regulations 2003. Full approval is subject to laboratory testing during the validation period (i.e until 28<sup>th</sup>/07/04).

- 6.4 The application itself raises complex and contradictory issues, for simplicity's sake these are dealt with under the following headings:

National and Regional Waste Policy  
SSSI/cSAC Issues  
Structure and Local Plan Waste Policy  
BPEO  
Listed Building Issues  
Alternatives  
Conclusion

National and Regional Policy Context. The National Waste Policy is in essence based on the European Framework Directive on Waste, which has been brought into English law and the principles of sustainability. The published 'Waste Strategy 2000' describes the Government's vision for managing waste and sets out guidelines on how the changes necessary will be made. The Strategy expects planning decisions for waste treatment and disposal to be based on a local assessment of the Best Practicable Environmental Option (BPEO) for individual waste treatments.

- 6.5 The principles of waste planning are set out in PPG 10. The concept of BPEO must be interpreted widely and is discussed later in the report.
- 6.6 The West Midlands Regional Technical Advisory Body for Waste has submitted a draft Regional Waste Management Strategy to the regional planning body. The Strategy identifies the need for further facilities in the County to meet National targets. It does not prescribe specific methods or locations for waste treatment facilities and it does not deal with this particular waste streams. The consultation draft UDP incorporates the basic requirements of both the Waste Strategy 2000 and the Draft Regional Waste Management Strategy, but again does not specifically addresses this waste stream. In general however the proposal is in accordance with the principles of both regional and draft UDP Policy and it could not be refused on these grounds.
- 6.7 SSSI/cSAC The application site adjoins the River Lugg SSSI, cSAC the protection of which must be given the highest priority. Neither English Nature or the Environment Agency consider however that the application would have any adverse implications for the designated sites or species. Although the need to prevent pollution of the river or watercourses which feed into it is of the greatest importance these are dealt with below under general headings of pollution control and there are no reasons for refusing permission on the grounds that It would have an adverse effect on the river Lugg SSSI/cSAC.
- 6.8 Structure Plan and Local Policies Structure Plan Policies for waste, notably policies WD2 and 3 prescribe that the site for the disposal of waste should have regard to the geographical and transport relationship between the sources of waste and the proposed handling or disposals, the cumulative impact of those facilities and the need for them and set out a list of criteria against which applications will be considered.
- 6.9 Other policies in the Leominster District Local Plan amplify these and relate to the wider implications and effects of proposals. These issues are simplified under general headings:

#### Location/Proximity to Waste Sources

The proximity of waste management facilities to the sources of waste handled is a matter of considerable importance and the 'Proximity Principle' is now enshrined in Government Policy and a central part of the concept of BPEO. In this case the application site is located on the trunk road network and is fairly well placed to take deliveries of waste minerals from the north of the County and has good links to the wider road network. Much of these materials are relatively locally produced and it could not be argued that the proposal could be refused on the grounds that it did not comply with the Proximity Principle.

#### BPEO (Best Practicable Environmental Option)

The concept of BPEO is central to national waste policy and the Courts have held that it is a consideration, which must become in mind at all times by the decision maker. The Council has adopted a BPEO for the major waste streams, that for commercial and industrial waste, (which it could be argued includes the materials involved here) is to reduce the element landfilled to 23%, increase recycling to 73% and thermally treat the remaining 4%. The proposal is to increase recycling of waste streams, which at least in part could be described as originating from food preparation. If this is accepted

it would in principle be in accordance with the BPEO. Even if the waste stream is defined as agricultural the application is to develop a means of transforming a fairly difficult waste, into compost quickly and in principle this must be desirable particularly in this County where poultry processing is important and large scale.

#### Effects of Surface and Ground Waters

The protection of local water sources from pollution is of the highest importance – the nature conservation interests of the River Lugg SSSI/cSAC are particularly vulnerable. There are no suggestions however from the statutory consultees that local surface and ground waters could not be adequately protected by the imposition of conditions. If permission were to be granted Officers would argue that these are essential. The Environmental Agency's advice is that Sustainable Urban Drainage Schemes (SUDS) should be used. If permission were to be granted Officers would recommend that the submitted schemes should, subject to English Nature's advice, include works to adjoining ditches under the applicants control to increase their natural cleaning systems to protect and enhance the Lugg SSSI.

#### Effects on Nature Conservation

The site adjoins the River Lugg and the land between the river and the site is of very high nature conservation value. The applicant has submitted a survey of the flora and fauna present in the drainage ditches and pond at Wharton Court (which are the most important features of the application site regarding the SSSI/iSAC designation) by the Wild Things Consultancy Of Ludlow. The survey found that the ditch to the rear of the offices was the least biologically diverse and most enriched with nutrients. (This is part of the reason why officers recommend that if permission is given, a condition requiring biological filtration of this ditch should be considered). The ditch emptying into the Lugg was biologically the richest and there were indications that all of the water features were connected during times of flood. The need to ensure the adequacy of the surface water system is therefore re-enforced by the report. Evidence of two protected species, Barn Owl and Otter was detected on site. There is no reason to assume that the development itself could adversely affect these provided that surface water pollution is prevented. The Environment Agency have expressed concern about the need to ensure that any vermin control measures do not poison Water Voles, and this could usefully be prevented by condition.

#### Effects on the Landscape

The application site is outside of but overlooked by the Area of Great Landscape Value. The 'tower' added to the barn in the north side of the site is particularly prominent and Officers consider distracts from views of the AGLV for some distance along the A49. The landscape of the application area itself is markedly flat with long views north to south along the river valley. Historically Wharton Court dominated this view. A number of intensive developments have diminished this effect over the years. The (permitted) barn to the north of the site and the bund alongside the A49 and north of the site (some of which is permitted) are significant in this respect. The 'tower' added to this barn is particularly so. The weight to be given to the effect of this tower, when considered against other developments on and around the site must be a matter of opinion. Officers' advice is that the tower has an adverse impact on the local landscape and would recommend that it should be refused on these grounds if the application were for its permanent retention.

Effects on Local Settlements and Amenities

The development applied for is not visually attractive but only limited parts are visible from adjoining public land. What is visible from Wharton Bank, the settlement closest to the site, dominates the view and could be considered a disamenity. Other effects on local settlements and amenities must include additional traffic (considered below) and noise and dust/litter and vermin. Objections have drawn attention to these. It must be emphasised that all of these matters could be controlled under the Environmental Health Officers 'nuisance' legislation and any Waste Management Licence that might be granted. They are however material considerations to the planning application. Officers have not found sufficient evidence to justify refusal of permission on these grounds. Identifying the extent that the application site is responsible for expressions of concern about noise has proved particularly difficult. It is possible that other activities within Wharton Court complex (e.g. in connection with potato or wooden box storage) may have generated noises which objectors have attributed to the application. The Environmental Health Officer's advice is that the noise emitted from the plant is generally a steady low-level hum. Vehicles are loaded and unloaded within the process buildings and should not generate excessive noise. It would be fair to say however that the development has not improved the amenity of local people generally and if permission were to be granted Officers would recommend that a precautionary condition requiring noise assessments must be submitted should be imposed if the Environmental Health Officer considers that the potential noise nuisance may have developed. Conditions to keep the site tidy and free from litter/waste should be imposed.

The most important effect on local amenities from the development has undoubtedly however been the creation of unpleasant odours. Some Members may have experienced these and it is not easy to discuss the issue in the measured way necessary in considering a planning application. Officers' advice is that Members should have no illusion that the objections made by local people were unfounded or unreasonable and that the smells originating from the plant up to the end of 2003 were repellent and must have been very distressing to local people. If these smells had continued in the same way to the present day Officers would have recommended refusal on the grounds of the unacceptable effect on local amenities, residents and visitors to the area. Members should be aware however that the proposal is for the development of a pilot plant for a limited period. The process is by implication experimental and subject to change. Over the past year these changes have been considerable and have significantly improved the operation of the plant. The Council's Environmental Health Officer has monitored the site since 2002 and found much that was objectionable. Since the beginning of February 2004 however he has received only 25 individual complaints about the site, referring to only 5 specific events. Of these complaints 4 were made before the current system was operational, 19 were for odours, which were not from the Biogonix plant, and 2 were from sites, which could not be confirmed. His own routine monitoring over the same period at Elms Green, Marlbrook Farm, Stone Farm, Pound Cottage and Ashwood House (not specifically in response to complaints) found slight odours on only 3 occasions (by Stone Farm), one incident coinciding with a malfunction of the abatement equipment. He did find that periods of odour can still be observed on the A49 near the site but that since the biofilter was commissioned their intensity has much reduced and can only be described as faint. Subjectively he found that the odour detected does not appear to be offensive.

The applicant has submitted an Environmental Quality Odour Emissions Sampling and Odour Plume Modelling report and a subsequent supplement, undertaken by ADAS Environment of Wolverhampton. The conclusions of the report are (in summary) that the system may be regarded as 3 gaseous exhaust generators (the main composter system, the associated feedstock pre-store and preparation facility and the areas for enclosed conveying and handling within the main building). These generate gases, which are discharged to atmosphere through a very sophisticated gas clean up system. The buildings are all sealed and operate under a suction pressure so that any air movement is into the buildings and ultimately through the gas extraction system.

ADAS found that the air scrubbing system is very effective and the further treatment of exhaust air through the bio filter reduces the odour concentration to levels that are very good to excellent in comparison to industry standards.

DEFRA; Code of Good Practice for Air states  $30 \text{ ouE/m}^3$  as typical i.e. reasonable for background odour in agricultural areas. Allowing for peaking above a 'mean' level is presumed and ideally levels of 10% of the peak level are the aim. "The odour plume analysis reveals that with atmospheric dispersion caused by wind and other weather effects, acceptable standards ( $<1.5 \text{ OUE/M}^3$ ) can be achieved at nearby receptors including at the nearest (outside) property 'Stone Farm'. Under a scenario of 'High Emissions' Stone Farm may be subject to a raised odour concentration level estimated at  $4.5 \text{ OUE/M}^3$ . Given the agricultural status of Stone Farm and the emissions from Biogonix' process being described as 'earthy or compost' it may be determined that even the high  $4.5 \text{ OUE/M}^3$  value would not be deemed an unduly adverse impact."

The Council's Environmental Health Officer requested clarification from ADAS about the report and has made detailed comments on it. ADAS confirmed that "facility air leakage tests have been undertaken and the sealing of the building and process have been found very effective."

The Environment Agency have chosen to review this specific Odour Plume Analysis report as part of their 'normal' assessment procedures. Any comments will be reported orally. To date however the indication is that they are broadly satisfied with the methodology used. An important criticism of the ADAS report must however be that it treats Stone Farm as the nearest house and as an agricultural unit. Neither is true. Wharton Court itself is far closer and it can reasonably be assumed that the odour levels there are likely to be higher than at Stone Court. The submitted details show "normal" operating conditions of  $c.10 \text{ OUE/M}^3$  at the Court (which is below the  $30 \text{ OU/EM}^3$  considered typical) and higher levels of a  $50 \text{ OU/E}^3$ , (which are likely to be considered excessive by most people). These do not invalidate the report but they do underplay the undoubtedly adverse effects the operation has on the residents of Wharton Court. If the application were for the permanent retention of the development Officers would have been extremely concerned on these grounds. The application is however only for a temporary period and the Court is inhabited by the applicant, these are material factors.

In conclusion the Environmental Health Officer's advice is that "information available to me as regards this proposal in the main indicated that should proper controls and facilities be employed that it can be undertaken without causing odour nuisance. If this application is successful it will be subject to the requirements of a waste disposal license, which will impose conditions as regards such controls and policies. I would therefore conclude that whilst I appreciate concerns expressed by residents it may prove difficult to defend an appeal on the grounds of odour nuisance."

If permission were to be granted he recommends that conditions should be imposed to require the integrity of the buildings to be checked (for negative air pressure) that enclosed conveyors should be provided to transport materials between buildings and that lorries bringing waste in or compost out should be sheeted.

#### Local Road Network and Road Safety

The site has accesses to both the Trunk Road and the B4361. The Highways Agency has no objection to proposal. The Council's Transportation Manager has expressed concern about lorries exiting onto the B road and Officers recommend that if permission were to be granted a condition requiring a sign to be erected to direct lorries leaving the site onto the Trunk Road could be imposed. Officers advice is therefore that permission could not be refused on highway grounds.

#### Effect on Sites of Historic and Architectural Importance

There are 3 Listed Buildings on site. English Heritage and the Head of Conservation originally objected to the application and members should be under no illusion that Officers consider that it adversely affects the setting of all 3. The principal area of concern is the effect of the 'tower' to the north, which now dominates views of the Farm complex significantly undermining one of Wharton Court's most important qualities—the dominating effect it has, or rather had, on the landscape. That Wharton Court is a Grade 2\* Listed Building i.e. one of the 6 or 7% most important buildings in the country, makes this effect particularly undesirable.

Officers have held on site discussions with the applicant, English Nature and the Council's Historic Buildings Conservation Officer. At their suggestion the applicant has submitted a Vision Statement for the Court, which in essence, explains the history of the site as a centre of busy activity and the need for incomes from the site other than agriculture to subsidise its repair. These are material considerations and the general principle is in accordance with government policy. The weight to be given to this argument is a matter of judgement but must be recognised the Court has stood for about 400 years and now needs considerable and expensive repairs. In principle temporary adverse activity generating funds for its long-term survival would be acceptable. English Heritage have withdrawn their objection on the understanding that conditions will be imposed to address issues relating to the maintenance and protection of the 3 Listed Buildings nearby, their setting and how the applicant's Vision Statement for the site can be realised. Officers consider that such conditions could be imposed. Further clarification will be made orally at the meeting.

The effect of offensive odours on the setting of a Listed Building is difficult to assess. It could not be argued however that those affects are other than adverse and together with the visual effects of application must count towards the case for refusing permission. Officers advice is that a decision to refuse permission on the grounds of adverse effect on the Listed Buildings on site would be justifiable and defensible.

#### Alternatives

Unfortunately the issues in this use are not simple. Members should be aware that permission NC2000/0267/F is still extant and that if permission were to be refused and enforced the applicant could in theory revert to the original operation located in this building and could operate without further control from the planning system. It is likely that to do so the applicant would have to remove all the useful adjuncts developed over

the last 2 years to improve the operation of the site and in reducing the scale of the activity would probably generate the same offensive odours that have caused local people such distress. Any such activity would be subject to enforcement by the Environmental Health Officer under nuisance legislation – but in practice such action is only likely to require works to be done to ‘abate’ the nuisance and could not prevent it. The Environmental Health Officer’s comments that “it may prove difficult to defend an appeal on the grounds of odour nuisance” should be noted.

The Environment Agency has a duty to grant or refuse Waste Management Licences but it would be fair to say has found this a difficult case. It must be emphasised that they have not publicly stated any position regarding it. Your Officers assume that it is possible that if permission was refused and the operation could be entirely contained within the original building that a licence could be granted. Although a refusal of planning permission could be pursued it is possible that it might not therefore entirely remove the use itself and might lead to a reversion to the earlier seriously unsatisfactory position of 2 years ago.

The application itself is explicitly for a pilot project for a five-year period. Almost a year of this period has now passed. If permission were to be granted it could be done on explicit conditions that it ceased and that all the built elements constructed were removed from the site by 1<sup>st</sup> July 2008. This could be enforced. The advantages would be that the applicant is able to refine the pilot project and would have time to develop on alternative site. The disadvantages would be that local people might be exposed to further disamenity and that the Council has accepted that adverse effects on the Listed Buildings are acceptable in the short term.

### Conclusion

Officers believe that there are good indications that the site is now operating acceptably and it is possible that the odour nuisances of the past may have ceased. The applicant may therefore be on course to demonstrate the success of the proposal and given the time applied for, may be able to find an alternative site. The proposal can be effectively time limited by condition and this may therefore prove an acceptable compromise. Its continuation would mean temporary adverse effects on the setting of the 3 Listed Buildings, particularly the most important, Wharton Court itself, but on balance Officers consider that this short-term disbenefit could be seen against the possible benefit that an additional income stream for the repair of the house might create.

In Waste Planning terms the development of in-vessel composting has been difficult if this pilot project were to be successful it could have a wide application and lead to the development of a useful waste treatment technology. On balance therefore Officers recommend that planning permission should be granted.

S72(1)(b) of the 1990 Act expressly gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period. This power is clarified in Circular 11/95 which advises inter alia, that, “a temporary permission will normally only be appropriate where the applicant proposes temporary developments, or when a trial run is needed in order to assess the effect of the development of the area ...”

The Circular notes that such a permission must be reasonable having regard to the capital expenditure necessary to carry out the development. In this case the applicant has expressly applied for permission for a "Pilot Plant ... for 5 years" and in supporting documents states:

"The current plant is intended to be operated only as a pilot plant. It is needed as a proving ground for the principles and technology of composting and as a demonstration of the effectiveness of the process, with a view to relocating the entire operation to a larger plant on allocated industrial land at the earliest opportunity."

It could not reasonably be argued therefore that the applicant was under any illusion that he was applying for a temporary permission. Officers have made it clear orally that any such will require the site to be cleared of all buildings, structures etc. associated with the application and the applicant has been asked to supply a plan and schedule indicating all of these. There should not therefore be any ambiguity that the proposal is for a specific, limited period and will be removed at the end of that time.

In order to clarify the exact nature of what has been created on site and what should be removed at the end of the period permitted Officers have requested further plans. It may be necessary to advertise these and it may be that further issues are raised before the application can be determined. Officers will give an oral update at the meeting.

### **Recommendation**

**Subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers.**

- 1 - The use hereby permitted shall cease on 1st July 2008 and all extensions, structures and works shown on plan ... described as ... shall be removed from the application site before 1st July 2008.**

**Reason:** In the interests of protecting the long term setting of Wharton Court and the two adjoining listed barns, of protecting the long term amenity of local people and visitors of the area and because any longer use may have adverse environmental effects which would require further consideration.

- 2 - Not later than 1st July 2006 a scheme of work shall be submitted to the Local Planning Authority for their approval in advance in writing for the clearance of all extension, structures and works shown on plan ... described as ... and for the restoration of the site to agriculture and to the condition permitted under reference: NC1999/2252/F and the approved scheme shall be fully implemented before 1st July 2008.**

**Reason:** To ensure that the site is cleared and restored in a way which will not adversely affect the setting of Wharton Court, the two adjoining listed barns, the amenities of the local people and visitors to the area or the interests of the River Lugg SSSI/cSAC.



- 3 - Not more than 12,000 tonnes of material shall be imported into this site in connection with the development hereby permitted during any 12 month period.

Reason: In the interests of protecting the long term setting of Wharton Court and the two adjoining listed barns, of protecting the amenity of local people and visitors of the area and because any longer use may have adverse environmental effects which would require further consideration.

- 4 - A12 (Implementation of one permission only )

Reason: In the interests of protecting the long term setting of Wharton Court and the two adjoining listed barns, of protecting the long term amenity of local people and visitors of the area and because any longer use may have adverse environmental effects which would require further consideration.

- 5 - E02 (Restriction on hours of delivery )(standard hours)

Reason: To safeguard the amenities of the locality.

- 6 - E06 (Restriction on Use )(use as a pilot plant for the accelerated composting of organic material until 1<sup>st</sup> July 2008)(B2)

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

- 7 - Not later than 1st October 2004 a scheme for the provision of surface water drainage works and surface water regulation shall be submitted to the Local Planning Authority for their approval in writing. The approved scheme shall be implemented in full not later than 3 months after its approval in writing. No other impermeable surfaces draining into the approved system shall be constructed.

Reason: To prevent the increased risk of flooding.

- 8 - F25 (Bunding facilities for oils/fuels/chemicals )

Reason: To prevent pollution of the water environment.

- 9 - F28 (No discharge of foul/contaminated drainage)(standard reasons and to protect the interests of the SSSI/cSAC)

Reason: To prevent pollution of the water environment and to protect the interests of the SSSI/cSAC.

- 10 - F32 (Details of floodlighting/external lighting )

Reason: To safeguard local amenities.

- 11 - F34 (Restriction on level of illuminance of floodlighting)(after 'boundary' add 'and in the interests of highway safety')

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

**12 - F40 (No burning of material/substances )**

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

**13 - F42 (Restriction of open storage )(after material add 'including any material intended for composting)**

**Reason:** To protect the appearance of the locality and the setting of Wharton Court and the two listed barns and to protect the amenities of local people and visitors to the area.

**14 - Not later than 24 hours after any request in writing from the Local Planning Authority the site shall be swept clean of any and all litter or waste material.**

**Reason:** To protect the appearance of the locality and the setting of Wharton Court and the two listed barns and to protect the amenities of local people and visitors to the area.

**15 - Not later than 31 days after any request in writing from the Local Planning Authority, as advised by the Council's Environmental Health Officer, a noise monitoring scheme shall be submitted to the Local Planning Authority for their approval in writing. The submitted scheme shall include:**

- Noise monitoring locations
- Frequency of measurement
- Presentation of results and their interpretation within 7 days of measurement and
- Procedures to be adopted if noise levels go above 5d BA LAeq above background levels

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

**16 - All vehicles containing untreated material for composting or treated compost shall be sheeted with a tarpaulin when within the application site area unless wholly within one of the buildings hereby permitted for this use.**

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

**17 - With the exception of the external bio filter the general building structure and ventilation of the development hereby permitted shall be designed to contain fugitive emissions and prevent their escape into the open air. To achieve this the ventilation system shall be suitable and sufficient to maintain negative air pressure at all times other than when the doors to the process buildings are open.**

**Reason:** To protect the interests of residential amenity.

**18 - All doors shall be kept firmly closed when not in use.**

**Reason:** To protect the interests of residential amenity.

- 19 - Not later than 1st July 2005 details of the provision to be made for an owl nesting box within 400 metres of the application site together with details of the timing of its erection shall be submitted to the Local Planning Authority for their agreement in writing.

Reason: In order not to disturb or deter the nesting or roosting of barn owls.

- 20 - Not later than 31st August 2005 a scheme to ensure that water voles are not poisoned by the use of vermin control measures on site shall be submitted to the Local Planning Authority for their approval in writing.

Reason: In order to protect water voles.

- 21 - Not later than 1st July 2005 a scheme for the erection of a sign reading 'No left turn' to be erected at the junction of the exit road leading to the A49 and the B4361 for the instruction of drivers leaving the site shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details not later than 28 days of their approval in writing.

Reason: To direct traffic onto the primary road network.

- 22 - Not later than 3 months of any request in writing by the Local Planning Authority as advised by English Nature a scheme for the enhancement of the biological water treatment capacity of the drainage ditches between the application site and the River Lugg shall be submitted for the approval by the Local Planning Authority in writing and the approved scheme shall be implemented in full within 3 months of its approval in writing.

Reason: In order to protect the nature conservation interests of the River Lugg SSSI/cSAC.

- 23 - Condition requiring specification of works to be done in connection with the adjoining Listed Buildings and timetable: to be clarified.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**15 DCNW2004/0645/F - RETROSPECTIVE APPLICATION FOR RESIDENTIAL GYPSY SITE FOR ONE RESIDENTIAL CARAVAN, DAYROOM AND CAR PARKING AT SMOKEY QUARRY, LOWER LYE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE HR6 9TA**

**For: Mr W J Price of same address**

**Date Received:**  
**23rd February 2004**

**Ward:**  
**Mortimer**

**Grid Ref:**  
**39874, 66859**

**Expiry Date:**  
**19th April 2004**

Local Member: Councillor Mrs O Barnett

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

- 1.1 Smokey Quarry comprises a disused quarry and steeply sloping woodland located on the north side of an unclassified road between Lower Lye and Deerfold. The site lies within an Area of Great Landscape Value.
- 1.2 The site is occupied by William John Price who has been a resident for approximately 3 years. He is a traveller who for some 20 years has been engaged in seasonal agricultural work throughout Herefordshire and other surrounding counties. In more recent times he has become involved in more local work such as gardening, seasonal pruning and horticultural work. The application is accompanied by a number of supportive letters from people verifying the work he has carried out and others from the local area.
- 1.3 This planning application seeks retrospective approval for the siting of a residential touring caravan located on a levelled area adjacent to the roadside boundary and a timber framed and weather boarded structure located in an elevated position within the wooded area which is used for ancillary accommodation. The application also seeks permission for the construction of a straw bale building to house a composting toilet.
- 1.4 The accompanying information states that the intention of the proposal is to establish a more permanent residential caravan site primarily on the basis that the applicant is reaching retirement age.

## **2. Policies**

### **2.1 Government Guidance**

Planning Policy Guidance Note 3 – Housing  
Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development  
Planning Policy Guidance Note 12 – Development Plans  
Circular 1/94 – Gypsy Sites and Planning

Circular 18/94 – Gypsy Sites Policy and Unauthorised Camping and associated revision of Advice on Tolerance issued on 26<sup>th</sup> July 2000  
Managing Unauthorised Camping. A Good Practice Guide issued February 2004

## 2.2 Hereford and Worcester County Structure Plan

Policy H16 – Housing in Rural Areas  
Policy H20 – Housing in Rural Areas Outside the Green Belt  
Policy G1 – Gypsies  
Policy G2 – Gypsies  
Policy RC1 – Residential Caravan Sites  
Policy CTC2 – Areas of Great Landscape Value  
Policy CTC6 – Landscape Features  
Policy CTC9 – Development Requirements

## 2.3 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the Districts Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A10 – Trees and Woodlands  
Policy A16 – Foul Drainage  
Policy A24 – Scale and Character of Development  
Policy A58 – Mobile Homes  
Policy A59 – Gypsy Caravan Sites

## 2.4 Herefordshire Unitary Development Plan (Deposit Draft)

Policy S1 – Sustainable Development  
Policy S2 – Development Requirements  
Policy S7 – Natural and Historic Heritage  
Policy DR1 – Design  
Policy DR2 – Land Use and Activity  
Policy H7 – Housing in the Countryside Outside Settlements  
Policy H11 – Residential Caravans  
Policy H12 – Gypsies and Other Travellers  
Policy LA2 – Landscape Character and Areas Least Resilient to Change  
Policy LA5 – Protection of Trees Woodlands and Hedgerows

## 2.5 Herefordshire Council Travellers Policy – adopted in November 2002.

### **3. Planning History**

3.1 None relevant.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Environment Agency raises no objection subject to a scheme for provision of foul drainage is approved by the Local Planning Authority. It is also indicated that a properly designed composting toilet should pose no risk to the environment.

4.2 Forestry Commission raise no objection.

Internal Council Advice

- 4.3 Head of Engineering and Transportation raises no objection.
- 4.4 Chief Conservation Officer raises concerns in respect of the intrusive visual impact of the residential caravan and the applicant's vehicle from the approach road and the road to Upper Lye on the opposite side of the valley. It is advised that the day room structure is not readily visible due to its dark colour and position within the wooded area.

**5. Representations**

- 5.1 The application is accompanied by a supporting statement which confirms the following:

- Applicant is a recognised traveller who has spent over 20 years travelling in search of seasonal agricultural work
- Reaching retirement age and accordingly now works more locally at gardening etc
- Needs to establish permanent residential caravan site
- Clarification of need for day room structure to provide for cooking and eating meals, washing and laundry
- Sustainable design following environmentally friendly ecological principles
- Development absorbed into landscape and additional landscaping has been carried out to screen the caravan
- A commentary on the requirements of Policy A59 of the Leominster Local District Plan (Herefordshire) is included and will be considered in more detail in the Officers Appraisal.

- 5.2 Letters of representation have been received from the West Midlands Consortium (Education Service for Travelling Children) and the Herefordshire Travellers Support Group which support the applicant's status as a New Traveller.

- 5.3 One letter of objection has been received from Mrs Sue Spence of the Cross of the Tree Farm, Deerfold, Lingen which raised the following concerns:

- a) retrospective applications are unacceptable in principle
- b) proposal is totally unacceptable in this area. Day room and caravans are a blot on the landscape and an eyesore, which is exacerbated by associated vehicles.
- c) Approval will open the floodgates for unregulated development.

- 5.4 Aymestrey Parish Council – nothing received.

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

**6. Officers Appraisal**

- 6.1 The key issues for consideration in the determination of this application are the principle of residential development having regard to gypsy status and the associated visual impact of the residential caravan, day room and other ancillary structures within the Area of Great Landscape Value.

- 6.2 The site lies in open countryside and accordingly Policy A2(D) of the Leominster District Local Plan (Herefordshire) established a strong presumption against residential development unless it comprises a proposal for a gypsy caravan site which accords with Policy A59 of the Local Plan.
- 6.3 Policy A59 states that where adequate provision for gypsies is not available, the local planning authority will permit sites for caravans subject to criteria relating to scale, visual impact and sustainability of location.
- 6.4 An evaluation of the evidence available suggests that the applicant has traveller status and furthermore that there are no appropriate pitches available on authorised sites with the nearest at Pembridge being fully occupied by gypsies of Irish origin at the present time. In the light of this it is recommended that the relevant criteria set out in Policy A59 are the sustainability of the unauthorised site and the impact of the proposal upon the landscape character of the Area of Great Landscape Value.
- 6.5 As a site for one traveller who has become a well-established resident with a level of support from the local community it is not regarded that his reliance upon private transport in order to travel to work would in its own right represent a level of unsustainability such that the isolated nature of this site would warrant the refusal of planning permission. The site is relatively well related to the applicant's sources of work and in all other respects the proposals which involve the composting toilet, collection of rain water and using solar heating panels combine to comprise an environmentally sustainable form of development.
- 6.6 Turning to the visual impact of the proposal within this very attractive wooded valley, it is considered that the main concern relates to the residential caravan which is readily visible from elevated public vantage points to the south. The local topography is such that the hedge planting undertaken by the applicant is unlikely to provide a useful screen. As such discussions have been carried out to seek an acceptable re-siting of the caravan. The applicant has agreed in principle to two options, being to reposition the caravan into the quarry immediately to the right of the vehicular access or to fell a number of smaller trees to the west of the current siting. Both options would significantly reduce the wider impact of the caravan and it is considered that a suitable condition will enable this to be resolved formally and within a reasonable time frame.
- 6.7 The day room and proposed composting toilet whilst of permanent construction are located within the elevated wooded area and in view of their design and appearance are not visually intrusive and are regarded as being of an appropriate scale to be assimilated into the landscape.
- 6.8 The nature of the applicant's case is such that it is recommended that a temporary permission be granted for a period of three years. It is considered that this will enable him to work up to retirement age at which time his continued presence on site would need to be reconsidered. The view taken in this instance is that once the work related travelling has ceased the justification for a residential presence on site would no longer exist and it would be unlikely that a permanent residential site would be supported based upon current policy and guidance.



**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 - E27 (Personal condition )(William John Price)

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 - When the caravan and day room cease to be occupied by Mr William John Price or at the end of 3 years whichever shall first occur, the use hereby permitted shall cease and the caravan, day room, composting toilet and all other materials and equipment brought onto the site in connection with the use shall be permanently removed.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

- 3 - Within one month of the date of this permission, the caravan shall be relocated to a position within the application site to be approved in writing by the local planning authority and it shall thereafter be retained in the agreed position until the cessation of the use.

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

- 4 - In accordance with the approved plans, this permission relates to the siting if one residential caravan and day room. No other unit(s) of accommodation shall be brought onto or occupied on the site.

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

- 5 - 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 - The applicant is advised that this temporary permission is granted in order to enable him to maintain his way of life until he reached retirement age. It is considered that all opportunities to establish a more settled way of life should be considered during this time since the local planning authority are unlikely to support a permanent site for a retired traveller.

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



**16 DCNW2004/0695/F - PROPOSED CHANGE OF USE OF  
TIMBER YARD AND BUILDERS MERCHANT TO  
REFURBISHING, JETTING AND VACUUM TREATMENT  
TO TANKER LORRIES, AND HIRES AND SALES OF  
THE SAME AT FORMER KEEBLE TIMBER YARD,  
KINNERSLEY, HEREFORDSHIRE HR3 6QE**

**For: Messrs Betts & Evans per Mr D Walters,  
27 Elizabeth Road, Kington, Herefordshire. HR5 3DB**

**Date Received:  
25th February 2004  
Expiry Date:  
21st April 2004**

**Ward:  
Castle**

**Grid Ref:  
35647, 50158**

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The application site comprises the former Keebles timber yard and builders merchant and is located in a prominent position immediately to the north of the A4112 between Sarnesfield and Kinnersley. It is primarily characterised by the large two-storey red brick building which dominates the centre of the site and stretches almost its full width. To the rear are a number of later lean-to extensions and an open sided storage building located close to the northern boundary. A brook runs the entire length of the northern boundary which is otherwise defined by mature trees and hedgerow. The remainder of the roadside boundary is defined by close boarded fencing and a small amount of hedgerow and the balance of the application site is given over to hardstanding, previously used for timber/building material storage, car parking and deliveries.
- 1.2 The site is located in open countryside but the surrounding area is characterised by a scattering of dwellings with Sallies Farm immediately to the east and Sallies Cottage, The Old Cider House, Brook Cottage and Yew Tree Cottage to the west.
- 1.3 The premises which is now vacant benefits from two points of access to the front and rear of the main building from the unclassified road close to its junction with the A4112.
- 1.4 Planning permission is sought to change the use of the land and buildings from its former use as a timber yard and builders merchant to a use for the refurbishment, jetting and vacuum treatment of tanker lorries and their hire and sale. The applicants trading as UK Tankers Ltd are currently located on the Linton Trading Estate in Bromyard and are seeking larger premises in which to relocate.

## 2. Policies

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

Policy E6 – Industrial Development in Rural Areas

Policy CTC9 – Development Requirements

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

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A9 – Safeguarding the Rural Landscape

Policy A13 – Pollution Control

Policy A15 – Development and Watercourses

Policy A24 – Scale and Character of Development

Policy A28 – Development Control Criteria for Employment Sites

Policy A31 – Employment Generating Uses Within or Around The Market Towns

Policy A36 – New Employment Generating Uses for Rural Buildings

Policy A54 – Protection of Residential Amenity

Policy A70 – Accommodating the Traffic From Development

Policy A75 – Design of Vehicle Parking Areas

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

Policy S1 – Sustainable Development

Policy S2 – Development Requirements

Policy S4 - Environment

Policy DR2 – Land Use and Activity

Policy DR3 - Movement

Policy DR6 – Water Resources

Policy DR13 - Noise

Policy E8 – Design Standards for Employment Sites

Policy E11 – Employment in the Countryside

Policy T11 – Parking Provision

Policy LA2 – Landscape Character and Areas Least Resilient to Change

## 3. Planning History

94/0723 - Construction of covered area for timber storage. Approved 20 January 1995

90/0672 - Provision of new warehouse, timber store and carpark. Approved 15 November 1990

33336 - Provision of hardstanding and improved vehicular access. Approved 17 May 1972

30653 - Use of existing building for storage of building materials. Refused 3 December 1971

30652 - Use of land as site for 2 caravans. Refused 22 November 1971

14448 - Provision of a vehicular access. Approved 15 February 1963

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Environment Agency raise no objection subject to conditions requiring an assessment of any land contamination and necessary remediation to be agreed and the appropriate bunding of any facilities required for storage of oil, fuels or chemicals. Informative notes are suggested relating to surface water arrangements, foul drainage and pollution prevention.

##### Internal Council Advice

- 4.2 The Head of Environmental Health and Trading Standards makes the following comments: "I would confirm that I am of the opinion that the proposed use for the above site is acceptable in that it should not cause unacceptable disturbance nor nuisance to the occupiers of nearby dwellings. I would however take this opportunity to advise that the former use of the site did generate complaints to this service, principally about noise nuisance. I would therefore recommend that should it be minded to grant permission that conditions are imposed to protect the amenity of neighbours.

I would suggest that:

1. A condition is imposed restricting the type of equipment that can be used on site so that the metal fabrication component of the proposal is limited to the production of parts of the type associated with the refurbishment of the tankers etc. e.g. all powered tools and equipment to be agreed with the Planning Authority.
2. That some restriction is imposed on the use of the open sided buildings e.g. no power tools or machinery to be used within these buildings. I understand from the applicant that it is a future intention to infill the walls of this structure. At such time it would be possible to extend the type of activity permitted in the building as a suitable scheme of noise insulation could be agreed.
3. Finally, I suggest that an hours of work restriction is imposed. The present use could operate without restriction, although I understand that machinery etc. at the timber yard was only used during the daytime. Having discussed this issue with the applicants I understand that it is their intention, in the main, to adhere to this practice but that there may be occasions when certain activities will be required to take place outside the normal working day. I therefore propose that a condition restricting work activities could be on the lines of the following:-

**'No metal fabrication, maintenance, construction or repair of vehicles and associated parts shall occur before 7.00 am on weekdays and Saturdays nor after 7.00 pm on weekdays and 1.00 pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays'.**

These hours of work are longer than those requested by neighbours and in excess to the hours often imposed, but they represent a material improvement in the protection provided over that, that could occur should the existing use of the premises be resumed. The condition does however allow the applicant to undertake certain activities outside the permitted hours but should ensure that unacceptable disturbance is not caused."

- 4.3 Head of Engineering and Transportation raises no objection based upon the information supplied by the applicant regarding size and frequency of vehicular activity. Parking and turning areas need to be properly demarked by way of a condition.
- 4.4 Drainage Engineer raises no objection in principle subject to conditions relating to the installation of interception to the surface water system and the provision of a drainage layout in order to prevent possible pollution of the nearby water course.

## 5. Representations

5.1 A total of 4 representations have been received from the following persons:-

- John Allen, Sallies Farm, Kinndersley, Herefordshire, HR3 6QD
- A K Spence, Bush Cottage, The Sallies, Kinndersley, Herefordshire, HR3 6QD
- Mrs J Holmes, Sallies Cottage, Kinnersley, Herefordshire, HR3 6QD
- Stephen Powell, The Old Cider House, The Sallies, Kinnersley, Herefordshire, HR3 6QD

5.2 The concerns raised can be summaries as follows:

- proposed change of use will create noise and other pollution in an otherwise residential community
- difference between small country timber yard and proposed engineering/engineering works
- level of HGV traffic will cause disturbance
- how will any waste products be disposed of?
- potential for pollution of the stream which runs along the rear of the site
- site should be redeveloped for affordable houses for young people
- will noise levels be appropriate to their rural area and will hours of operation be controlled?
- pollution of local environment through jetting/washing of tankers potentially carrying hazardous substances
- airbourne dust and particles could contaminate the local area and affect soil conditions and garden plants
- will noisy/dusty uses be contained with an enclosed area?
- additional traffic movements could cause highway safety problems at junction with unrestricted main road
- proposal should preserve existing evergreen trees and hedgerows along boundaries to the site
- potential overloading of the stream from additional discharge of water could result in localised flooding
- permission should only be granted if these conditions can be complied with - hours of working limited, no collection/delivery of vehicles outside the core hours, all equipment/machinery used inside the building with doors closed, no storage of vehicles/equipment on the access road, no running of engines/equipment for vehicle testing, a boundary noise level limit should be set, no venting of tankers to be allowed beyond the site boundary.

5.3 Kinnersley Parish Council raises no specific objection but make the following comments:

- clarification regarding treatment of storm and foul water required, in particular the provision of permanent receptacles for waste products
- noise levels need to be carefully considered and limited to an acceptable level. Details of sound proofing should be agreed at this initial stage
- no indication of working hours.

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

## **6. Officers Appraisal**

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

- a) the principle of the proposed change of use to the refurbishment, jetting and vacuum treatment of tanker lorries including hire and sales;
- b) the potential impact of the use on the residential amenities of nearby occupiers;
- c) other environmental implications including drainage arrangements and
- d) traffic and access arrangements

### Principle of New Use

6.2 The land and buildings subject of this application have until recently been used in connection with a long established timber yard and builders merchant and as such whilst the site does clearly lie in open countryside there is a presumption in favour of retaining such land in commercial use appropriate to its residential context. Policy A29 of the Leominster district Local Plan (Herefordshire) offers protection for existing industrial or commercial operations in rural areas provided the environmental and highway related effects of the use do not outweigh its economic and employment benefits. Having regard to the sites isolated location it would not be appropriate to consider it for residential re-use and as such enabling an acceptable new commercial use to establish itself represents the most viable approach in planning policy terms. In this case the applicant is seeking to relocate to the Keebles site from existing premises on the Luton Industrial Estate.

6.3 Clearly the new use would need to satisfy policy criteria relating to the protection of residential amenity and the local environment together with being safely accommodated with respect to access and the use of the road network.

### Impact on Residential Amenity

6.4 It is quite apparent from the objections received to this application that the potential noise and disturbance associated with the proposed use is a fundamental concern. The applicants business involves the refurbishment and repair of tanker lorries with associated hire and sales. It is proposed that the main workshop floor space would be contained within the main brick built building and its extensions to the rear and furthermore confined to the central section of this building with storage and office space accommodated at either end in order to limit the effect of the noisier activities on the immediate neighbouring properties.

- 6.5 In reaching a recommendation it is advised that the Head of Environmental Health and Trading Standards has made a specific visit to the applicants existing premises on the Linton Industrial Estate in Bromyard, and it is not considered that the activities associated with overhauling the tanker lorries would result in an unacceptable level of noise provided appropriate limitations upon the timing of particular activities are put in place. Consultation with the applicant has established that a restriction on repair and maintenance work between 0700 and 1900 from Monday to Friday and 0700 – 1300 on Saturday would be acceptable. In terms of the viability of the business the applicant would wish to use the site outside of these hours for office based work and for the occasional delivery. Since the existing timber yard use is not restricted in any manner, the hours offered by the applicant are regarded as an acceptable compromise and would serve to bring about a level of control that would not be enforceable under planning legislation should the lawful timber yard use restart.
- 6.6 Additional restrictions have been considered in discussion with the applicant and it has been agreed that specific conditions relating to the noise attenuation of individual pieces of equipment within the main body of the building can reasonably be imposed as can the control of activities outside the main brick built building. A major concern has been the potential use of the open sided building for noisy refurbishment works and the intention would be to limit its use to activities that would not generate significant noise such as the use of hand tools. The applicant has suggested that in future his intention would be to clad the building. This would in its own right require planning permission and enable the consideration of such a proposal through the normal planning procedures. Until such time as this becomes a reality it would be inappropriate to allow unrestricted use of noisy machinery, which would essentially be open to the elements.
- 6.7 The concerns of local residents are acknowledged, and it is recognised that the limitations agreed with the applicant in consultation with the Head of Environmental Health and Trading Standards are not as stringent as those requested in neighbours responses. However, having regard to the potential implications of the existing timber yard use and the controls, which this application enables to be imposed, it is considered that the proposal represents an acceptable compromise so far as securing an ongoing commercial use of the site is concerned.
- 6.8 The level of vehicular activity would amount to the 6 cars used by employees plus the occasional supplier/customer, two or three small commercial van deliveries per week with approximately 5 – 10 tanker deliveries per week. This is considered to compare favourably to the potential vehicular activity associated with a timber yard and would as such not represent reasonable grounds for the refusal of planning permission.

Other Environmental Implications (including drainage)

- 6.9 The site is located close to a minor aquifer and the Environment Agency have requested the preparation of a detailed contamination study incorporating an appraisal of the potential impact of the proposed development upon the ground water and mitigation for any contaminants identified through the historic uses of the site. Furthermore it is recommended the conditional control would need to be imposed in respect of the storage of oil, fuels or chemicals and full details relating to the treatment of surface water drainage and the potential to install interceptors into the existing storm water system prior to any discharge into the brook running along the northern boundary.



- 6.10 Again the sensitivity of this site and its relationship to neighbouring occupiers and the existing brook is recognised and the relevant elements relating to impact upon ground water supplies, contamination, storage of hazardous/polluting substances and the isolation of such containments through the storm water arrangements can be covered by way of conditions.
- 6.11 Since the Environment Agency and the Council's Drainage Engineer raise no objection in principle it is considered that the attachment of such conditions would enable support for this application and secure an acceptable ongoing commercial use of the site in terms of its effect on the local environment.

#### Traffic and Access

- 6.12 The level of traffic associated with the proposed use has been summarised at paragraph 6.8 above and is relatively modest, such that the Head of Engineering and Transportation raises no objection to the safe use of the local road network.
- 6.13 The operational requirements within the site dictate that the access in front of the main building will be used for light deliveries and employees/visitors parking. The access to the rear will be used to deal with heavier deliveries that will pull in alongside the lean-to extensions on the back of the main building.
- 6.14 The space at the rear of the site is somewhat confined but having regard to the low level of delivery activity and the fact that this compares favourably to the potential traffic generated by a timber yard use, it is not considered that this matter would warrant the refusal of planning permission.

#### Conclusion

- 6.15 This application has generated significant concern amongst those residents living in the immediate vicinity of the site and as such the environmental implications of this proposal have been given careful consideration. In consultation with the Head of Environmental Health and Trading Standards and the Environment Agency in particular a series of conditions are proposed which would safeguard the amenities of local residents from unacceptable noise and disturbance. The ability to impose such conditions on a site which is currently unregulated so far as planning controls are concerned is seen as an important and positive aspect of the application, which having regard to the lawful use of the site as a timber yard/builders merchants, is considered acceptable.

### **RECOMMENDATION**

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

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

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

2. No metal fabrication, maintenance, construction or repair of vehicles and associated parts shall occur before 0700 on weekdays and Saturdays nor after 1900 on weekdays and 1300 on Saturdays, nor at anytime on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

3. E06 – Restriction on Use (the refurbishment, jetting and vacuum treatment of tanker lorries and their hire and sales) (Class B2).

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

4. There shall be no open-air operation of plant, machinery or equipment within the application site with the exception of certain activities, which shall be agreed in writing together with the equipment required for these purposes, prior to the commencement of the use hereby approved. The use shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the locality.

5. Prior to the commencement of the use hereby approved, details of all plant and machinery to be used within the application site shall be supplied together with a scheme of associated sound attenuation as required. The approved scheme shall be implemented in accordance with these details and thereafter retained.

Reason: To safeguard the amenities of the location.

6. Any facilities for the storage of oils, fuels or chemicals 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 a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, garages 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.

- 7. Any facilities for the storage of oils, fuels or chemicals 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 a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, garages 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.

- 8. Development shall not commence with a scheme to deal with the contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a desktop study and site investigation to identify the extent of contamination and the measures taken to avoid risk to the environment. The agreed method statement shall include a report to demonstrate that the required remediation has been fully met and future monitoring proposals. Development shall be carried out in accordance with the details so approved.

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

- 9. Development shall not commence with a scheme to deal with the contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a desk-top study and site investigation to identify the extent of contamination and the measures taken to avoid risk to the environment. The agreed method statement shall include a report to demonstrate that the required remediation has been fully met and future monitoring proposals. Development shall be carried out in accordance with the details so approved.

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

- 10. H13 - Access, turning area and parking

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**17 DCNW2004/0746/F - AGRICULTURAL WORKERS DWELLING AND ATTACHED GARAGE AT LAND AT QUEBB, BOLLINGHAM, KINGTON HEREFORD****For: Mr J P Raymond per Mr A Last Brookside Cottage  
Knapton Birley Herefordshire HR4 8ER****Date Received:****1st March 2004****Expiry Date:****26th April 2004****Ward:****Castle****Grid Ref:****30511, 51585**

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.16-hectare plot of land in proximity to a general purpose agricultural building on the northern side of a large pasture field lying on the western side of the A4111 Kington – Eardisley road at Quebb. The associated farm enterprise consists of land at both Prospect Farm and here, at Quebb. The business occupies in the region of 200 acres of mainly pastoral with some arable land. The business is an intensive dairy and livestock farm. The general purpose agricultural building found on site is utilised for calving dairy cows, for home bred and imported stock for beef production. The remainder of the stock is housed at Prospect Farm, from where the business is primarily run and where both the dairy and farmhouse are located. A number of Listed Buildings are found in this locality, the closest being in the region of 300 metres away.
- 1.2 This holding has Outline Permission for an agricultural workers dwelling associated with it (NW2002/3904/O). This permission was approved on the 3<sup>rd</sup> of April 2003. Unfortunately the boundary of the outline site was tightly drawn around an existing building, leaving no room for a dwelling without demolition of that building. Consequently an application for Reserve Matters cannot be pursued. This application therefore seeks full planning permission for a dwelling on this site.
- 1.3 The proposal consists of a two-storey four bedroom dwelling with an attached garage/car port/utility projecting at right angles from the main dwelling house. The dwelling would be finished with facing brickwork and a slate roof. The principal two storey element of the proposal has a gross floor area of approximately 163 square metres. The ground floor elements (kitchen, shower room and utility) add a further 21 square metres. The total habitable living space is therefore approximately 184 square metres. The site is served by the existing access way associated with the agricultural building in situ. The proposed dwelling would be located to the east of this agricultural building, in proximity to an existing Oak tree, which would be retained as part of this proposal.

## 2. Policies

### 2.1 National Policies

Planning Policy Guidance Note 1 - General Policy and Principles  
Planning Policy Guidance Note 7 - Countryside

### 2.2 Hereford and Worcester Country Structure Plan

H16A – Development Criteria  
H20 – Residential Development in Open Countryside  
CTC9 – Development Criteria  
A4 – Development Considerations

### 2.3 Leominster District Local Plan

A1 – Managing the Districts Assets and Resources  
A2 (D) – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A12 – New Development and Landscape Schemes  
A18 – Listed Buildings and their Settings  
A24 – Scale and Character of Development  
A41 – Protection of Agricultural Land  
A43 – Agricultural Dwellings  
A70 – Accommodating Traffic from Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
DR1 - Design  
H7 – Housing in the countryside  
H8 – Agricultural dwellings  
T11 – Parking Provision  
HBA4 – Setting of Listed Buildings

## 3. Planning History

NW2002/3904/O - Outline planning permission for agricultural workers dwelling  
Approved, 03/04/03

NW2002/1841/O - Outline planning for agricultural workers dwelling  
Withdrawn, 12/11/02

NW2001/1312/F - Extension to agricultural building  
Approved, 29/08/01

99/1592/F - General purpose building at land at Quebb  
Approved, 29/09/99

## 4. Consultation Summary

### Statutory Consultations

4.1 None required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation – Recommended that any permission which the Authority may wish to grant includes conditions relating to visibility at the entrance.
- 4.3 Chief Conservation Officer - raises no objection to the proposal in relation to the impact upon the setting of the Listed Buildings in the vicinity of the site. However, concern was expressed regarding the design. It was stated that in consideration of the prominence of this site, the design could be more sensitive to the surroundings. It was recommended that a smaller dwelling with a lower ridge and enhanced design should be pursued.
- 4.4 Public Rights Of Way Manager – Advised that the development does not appear to affect the footpath running to the rear of the agricultural building.

**5. Representations**

- 5.1 Eardisley Parish Council raise no objections to this proposal. 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 Three key areas for consideration are assessed to be associated with this application. These are:
1. Principle of development
  2. Design and scale
  3. Commensurate Size

Principle of Development

It is suggested that the most appropriate way to consider an application such as this is to first establish the acceptability of the proposal in relation the five areas of consideration specified under Planning Policy Guidance Note 7: The Countryside, Annex I. These are:

1. Existing functional need,
2. Requirement for full time worker,
3. Establishment and profitability of the unit,
4. Availability of alternative accommodation,
5. Satisfaction in relation to other planning requirements.

The above issues are reflected in the adopted Leominster District Local Plan, policy A34, and the emerging Herefordshire Unitary Development Plan, policy H8.

This holding has associated with it a previous Outline permission for an agricultural workers dwelling. This application considered the principle of development associated with the provision of an agricultural workers dwelling on this holding. It is considered that points one through four were effectively considered as part of this application. The consent for this is little over a year old and on the basis of this it is suggested that the

principle of an agricultural workers dwelling on this holding has been established and can be accepted for the purposes of this application.

Point five will be considered in the sections of this report subsequent to this but it is confirmed that the proposed siting is suitable and considered acceptable.

#### Design and Scale

The application submitted is, with the exception of further minor design alterations, the same proposal as previously discussed. Little attempt has, at any stage, been made to address the concerns raised during registration in relation to the proposed development.

The proposed development is uninspiring in design and has limited identity and individuality. It is a brick finished property that would appear at home in a modern housing estate. The height and width, together with the attached single storey element, give the property significant bulk and result in a substantial dwelling that is considered inappropriate for a rural location such as this. The application site is in an attractive rural landscape area and it is suggested that the application site merits development with a dwelling of superior design and a more appropriate scale than that currently proposed. It is suggested that landscaping would not overcome these concerns and would not at any rate remove the fundamental issues associated with the design and scale of this proposal. PPG1 advised Local Planning Authorities to reject poor design.

The introduction of a reduced ridge height and width, the insertion of dormer openings, the use of alternative materials, and the removal of the attached garage and carport, replaced by a detached single garage, would constitute a significant improvement over the existing proposal. The result would be a more modest property with a cottage like appearance. This will allow for a less dominant and imposing structure and will greatly enhance integration with the surrounding landscape. A written request for such a revision has been made but not acted upon.

Ultimately the current proposal is excessive in size and uninspiring in design. The design and scale are considered unacceptable for this location.

#### Commensurate Size

Policy H8 of the emerging Herefordshire unitary Development Plan refers to policy H6 in consideration of size. Policy H6 specifies 90 square metres as an appropriate habitable living space. This application seeks approximately 184 square metres, in excess of double the recommended floor area. A property of this size is considered excessive and cannot be considered as a commensurate size.

Leominster District Local Plan policy A43 states that:

*'It should be understood that it is the needs of the enterprise rather than the owner or occupier that is relevant to determining the size of a dwelling appropriate to a particular holding'*

This advice reflects PPG7 and is a fundamental consideration for applications such as this.

The supporting information submitted with the application states, in the context of the design revisions requested, that:



*‘Your suggestion of lowering the roof and creating dormer windows at first floor level does however put up building costs which could jeopardise the project’*

It is suggested that the above raises questions concerning the affordability of this project, a consideration stressed in national and local policy guidance.

Conclusion

Beyond the issue of excessive floor space, it is suggested that this proposal demonstrates a basic lack of consideration for the importance of acceptable design and scale in an attractive rural landscape, issues which are no less important to applications such as this. The fact that agricultural workers dwellings represent one of the exceptional circumstances where housing in the countryside may be permitted does not remove the responsibility to strive for good design and development of an appropriate scale and character for the locality.

**RECOMMENDATION**

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

- 1 - The proposed dwelling, in view of its overall size, would not be commensurate with the established functional requirements of the holding contrary to Annex 1 of PPG7: The Countryside, adopted Leominster District Local Plan policy A43, and emerging Herefordshire Unitary Development Plan policy H8.**
- 2 - The proposed dwelling, by reason of its scale and design, would have a detrimental effect on the visual amenities of the locality amenities contrary to PPG1, policies H16A and A4 of the Hereford and Worcester County Structure Plan, Leominster District Local Plan policies A1, A9, A24 and A43, and policies H7 and H8 of the emerging Herefordshire Unitary Development Plan.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**18 DCNW2004/0750/F - PROPOSED DETACHED GARAGE  
ON LAND ADJOINING LITTLEBROOK COTTAGE,  
LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JP****For: Mr & Mrs S Williams per Mr A Last, Brookside  
Cottage, Knapton, Birley, Herefordshire, HR4 8ER****Date Received:  
1st March 2004****Ward:  
Pembridge & 33806, 55380  
Lyonshall with Titley****Grid Ref:  
& 33806, 55380****Expiry Date:  
26th April 2004**

Local Member: Councillor R Phillips

**1. Site Description and Proposal**

- 1.1 The application site is located in between Littlebrook Cottage to the south and Tan House to the north, which is a Grade II listed property. The boundary with Tan House is defined by a mature hedgerow and there is a noticeable change in ground level between the driveway of Tan House and the application site such that it is elevated approximately 500 mm above the neighbouring property.
- 1.2 Planning permission is sought for the erection of a detached weatherboarded garage with a slate roof. The proposed garage would measure some 7 metres by 5.2 metres on the ground with a maximum ridge height of 3.6 metres.
- 1.3 Planning permission was recently granted for a dwelling on the site pursuant to Application Ref. NW2003/3420/RM. It is advised that the garage as proposed formed part of the dwelling proposal but was withdrawn following concerns raised by the neighbouring occupier and the Parish Council. The siting of the garage has been the subject of further discussion but as proposed it remains in the same position as previously considered.

**2. Policies****Leominster District Local Plan (Herefordshire)**

Policy A18 – Listed Buildings and their Settings  
Policy A24 – Scale and Character of Development  
Policy A54 – Protection of Residential Amenity

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

S2 – Development Requirements  
DR1 - Design  
HBA4 – Setting of Listed Buildings

### 3. Planning History

NW2003/2420/RM - Site for one dwelling. Approved 13 February 2004.

NW2002/1533/O - Site for one dwelling. Approved 9 September 2002.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water - comments awaited but no objection raised to the approved scheme.

#### Internal Council Advice

4.2 Head of Engineering and Transportation - no objection.

4.3 The Chief Conservation Officer raises no objection but suggests that the repositioning of the garage to the south side of the site would better preserve the setting of the listed property (Tan House).

### 5. Representations

5.1 In response to a request to consider relocating the garage to the south side of the plot the applicant has advised as follows:

- position as proposed is as agreed informally with officers and was supported by the recommendations made with respect to Application Ref. NW2003/3420/RM

- garage would be set into the existing soil bank and keep the gable height as low as possible

- width of garage gable is as narrow as possible to enable a car to be parked

- if the garage were relocated it would necessitate the excavation of the existing soil back to create a turning area with the result being that car headlights will shine directly at Tan House.

5.2 Two letters of representation have been received from:

R P Hussey & P Hussey both of Tan House, Lyonshall. The concerns raised can be summarised as follows:

- siting of garage would spoil main outlook from dining room and lounge

- the elevated position of the garage would block light into lounge, dining room and bedrooms

- garage would be better sited on the opposite side of the drive.

5.3 Lyonshall Parish Council object to this proposal:

- it is identical to the one already objected to and no changes have been made or considered
- the siting of the garage would overwhelm the adjoining property (Tan House), a listed building
- suggest the applicant places the garage on the opposite side of the garden.

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 application should be considered against policies relating to the effect of development upon the residential amenities of neighbouring occupiers and the setting of listed buildings.
- 6.2 The main concern raised with regard to this proposal, which is the same as the previous application is the effect of the garage upon the amenity and daylight enjoyed by the occupiers of Tan House.
- 6.3 It is acknowledged that the proposed garage would be readily visible from the principle windows serving the lounge and dining room of Tan House but it is advised that the right to a view across private land is not a material planning consideration. Furthermore, whilst the repositioning of the garage to the southern boundary would relieve this situation it is not considered that the option preferred by the applicant would have a significant detrimental effect upon the daylight enjoyed by the occupiers of Tan House. Notwithstanding the elevated position of the garage its modest height (3.6 metres) coupled with the 10 metres distance achieved between the rear wall of the garage and the front elevation of Tan House is such that the potential loss of daylight and overshadowing would not be serious enough to warrant the refusal of planning permission in this case.
- 6.4 A condition requiring the formal agreement of the finished slab level would ensure that the garage is cut into the back as far as practically possible.
- 6.5 With regard to the setting of the listed Tan House it is again considered that a repositioning of the garage would better preserve this, but as proposed the harm is not so significant that the refusal of planning permission is justified.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

- 2 - B01 (Samples of external materials )

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

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**19 DCNW2004/0759/F - CONSTRUCTION OF ALL WEATHER CORRAL FOR ASSOCIATED EQUESTRIAN USE AT MILLFIELD, KINGSLAND, LEOMINSTER, HEREFORDSHIRE****For: Mr C.S. French per Mr P Titley New Cottage Upper Common Eyton Leominster HR6 OAQ**

**Date Received:**  
**1st March 2004**  
**Expiry Date:**  
**26th April 2004**

**Ward:**  
**Bircher**

**Grid Ref:**  
**44901, 62277**

Local Member: Councillor W L S Bowen

**1. Site Description and Proposal**

- 1.1 The application site comprises land and buildings located on the western side of the C1039 approximately 0.8 km to the north east of Kingsland. The site has an historical use for equestrian activities including horse rearing and training and includes livery stabling and indoor schooling facilities.
- 1.2 The site lies in open countryside but is surrounded by a scattering of residential properties including Millcroft to the south east, The Bungalow, Meadow Bank and Bank Farm to the north, and Kingsland Mill House and Lugg Mill to the west.
- 1.3 The previous owner initially secured a permission to site a temporary mobile home for residential purposes (application no: N98/0833/C) and more latterly an outline permission was granted for a permanent dwelling (NW2002/0721/O). The new owner and applicant in this case has permission for the detailed design of the dwelling (NW2003/3081/F) but is also seeking to improve the associated facilities at the site to maintain the viability of his own business.
- 1.4 Permission is therefore sought for the construction of an all-weather corral on part of the paddock between the existing buildings and the eastern boundary with the main road to Lucton and Yarpole. The all-weather area measures some 60 metres by 30 metres and the surface would comprise a mix of sand, rubber and bark being enclosed by a post and rail fence. The original application included the erection of 8 no. lighting gantries which have subsequently been withdrawn from the proposal with the applicants agreement.

**2. Policies**

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

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements

LR1 – Design and Recreation Development

CR2 – Leisure and Recreation Development

Leominster District Local Plan (Herefordshire)

A1 – Managing the Districts Assets and Resources

A2(D) – Settlement Hierarchy

A9 – Safeguarding the Rural Landscape

A15 – Development and Watercourses

A24 – Scale and Character of Development

A38 – Rural Tourism and Recreation Activities

A54 – Protection of Residential Amenity

Herefordshire Unitary Development Plan (Deposit Draft)

S2 – Development Requirements

DR2 – Land Use Activity

E6 – Expansion of Existing Business

RST1- Criteria for Recreation, Sport and Tourism Development

### **3. Planning History**

N98/0832/F – Change of use of agricultural buildings to livery stables. Approved 17<sup>th</sup> March 1999.

N98/0833/C – Temporary siting of mobile home. Approved 17<sup>th</sup> March 1999.

NW1999/1480/S – General purpose fodder storage building. Approved 21<sup>st</sup> June 1999.

NW2002/0721/O – Site for 4 bedroom house. Approved 2<sup>nd</sup> May 2002.

NW2003/3081/F – Erection of new dwelling. Approved 9<sup>th</sup> December 2003.

NW2004/0754/F – Amendments to approved house design. Application undetermined.

### **4. Consultation Summary**

Statutory Consultations

4.1 Environment Agency raises no objections.

4.2 River Lugg Internal Drainage Board raises no objections.

Internal Council Advice

4.3 Head of Engineering and Transport raises no objection.

### **5. Representations**

5.1 Two letters of representation have been received from the following persons:

Mr B B Smith of Millcroft, Kingsland HR6 9SW

Mr T Goodison on behalf of Mrs E Goodison of Meadow Bank, Lugg Green, Kingsland, HR6 9PY



5.2 The concerns raised can be summarised as follows:

- a) Site already has an indoor school allowing for use in all weathers and located further from my property.
- b) Proximity of corral and elevated position of riders will enable riders to clear view of my property reducing privacy regardless of the time of season.
- c) Inevitable disturbance resulting from noise associated with the use of the corral.
- d) Corral would enable competition type activities to be organised increasing traffic from spectators and competitors.
- e) 6 metres high lights wholly unsuitable and would be very visible in this rural area.

5.3 Both letters suggest conditions that might be considered should the application be deemed acceptable. These will be addressed in more detail in the Officers Appraisal but generally relate to limiting the usage of the site to an appropriate level.

5.4 Kingsland Parish Council raises no objection.

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

## **6. Officers Appraisal**

6.1 The Mill field site has an established history of use in connection with the provision of livery stables and associated equestrian activities and this proposal seeks to enhance the currently available facilities through the construction of an all-weather corral. Annex F of PPG7 offers support for the development of equestrian-related activities in rural areas and the expansion of existing rural enterprises is encouraged by the Local Plan policies subject to the scale and character of development being in keeping with the locality.

6.2 In this case the main issues that require careful consideration are the effect of the use of the corral upon the amenities of local residents, the impact of introducing an all weather artificial surface on the character of the countryside and the likely effect of traffic associated with the use.

6.3 A number of concerns are raised in the responses to this application which essentially relate to loss of privacy and noise and disturbance associated with the use of the all-weather facility. The corral itself would be some 58 metres away from the nearest property (Millcroft) and whilst it would be possible for riders in an elevated position to look into the private garden of this property which is within about 13 metres of the site it is not considered that this relationship would unacceptably affect the neighbours privacy. Noise and disturbance associated with the use of the all-weather facility has also arisen as a matter of concern.

6.4 In response to these concerns the applicant has advised that the proposed corral would probably result in additional activity involving up to 10 horses twice a week (once during the week and once at the weekend) and otherwise the site would remain as currently used with individuals having lessons during the week. These lessons take place during normal working hours and all activities would be limited to the summer months only (May to September). In this respect the main changes to the current level of activity would be more frequent usage on Saturdays during the summer.

- 6.5 When compared with the potential use of the site for horse riding activities at present it is not considered that the additional use would be so detrimental to the neighbouring occupiers that planning permission could realistically be refused. It is proposed to limit the use of the corral to an appropriate time in order to address neighbours concerns but it is advised that these restrictions would not apply to the use of the remainder of the land and buildings.
- 6.6 Conditions restricting the installation of lighting and public address systems are also proposed in order to bring about an acceptable level of control over the use of the corral.
- 6.7 In terms of the impact on the character and appearance of the surrounding countryside, the relatively flat nature of the area coupled with the well-established network of hedgerows is such that the all-weather surface will not be widely visible from the public footpaths to the north and west. The 6 metre high lighting gantries have been removed from the proposals and in view of this it is considered that the artificial surface and post and rail fencing can be accommodated without detriment to the site and surroundings.
- 6.8 The final issue, which potentially has both amenity and highway safety implications relates to the possibility of increased traffic movements associated with the all-weather facility. It is advised that the level of vehicular activity whilst likely to increase moderately would not be significantly different from that which has become established. The applicant considers that the absolute maximum number of horse boxes brought onto the site would be approximately 10, which can comfortably be accommodated in the paddock to the south of the proposed corral via the existing field gate from the private drive to the main complex of buildings. This activity would be limited to the approved use of the land and buildings as livery stables and would not extend to the use of the site for organised jumping events. This activity would require planning permission in its own right and therefore whilst there are concerns about the possibility of such events these are not relevant to the consideration of the current application. The implication of this is that the associated level of activity will be more limited and at an acceptable level having regard to neighbouring occupiers and the use of the local road network.

## RECOMMENDATION

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

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

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

- 2 - A07 (Development in accordance with approved plans )(site/location plan received on 1<sup>st</sup> March 2004 omitting the gantry lights from the proposal)**

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

- 3 - The use of the all-weather corral shall be restricted to 0900 hours to 1900 hours Mondays to Saturdays between 1st March and 30th September in any calendar year and shall not be used at any time on Sundays unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the locality.

- 4 - There shall be no means or artificial illumination and the use of public address systems or any amplified sound is specifically precluded from any activities associated with the all weather corral hereby approved.

Reason: To safeguard the amenities of the locality.

- 5 - G01 (Details of boundary treatments )

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

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The applicant is advised that this permission is granted in connection with the approved use of the land and buildings at Millfield as livery stables. It does not infer any right to hold organised equestrian related events for which seperate planning permission would be required.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**20 DCNW2004/0885/F - TWO STOREY EXTENSION AT FOREST LODGE, DARK LANE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ****For: Mr & Mrs K Ellis per Mr D R Davies 23 Charlton Rise Ludlow Shropshire SY8 1ND****Date Received:  
11th March 2004****Ward:  
Mortimer****Grid Ref:  
40498, 74461****Expiry Date:  
6th May 2004**

Local Member: Councillor Mrs O Barnett

**1. Site Description and Proposal**

- 1.1 This application seeks consent for the erection of a two storey extension at Forest Lodge, Leintwardine. Forest Lodge is a relatively large detached dwelling with the appearance of a single storey property. First floor accommodation is provided within the roof space with modest dormer openings providing natural light. The site is located within Leintwardine, though outside of the Conservation Area. The character of the area is residential. A detached garage is found to the north west of the main dwelling house.
- 1.2 Planning permission is sought for a two storey extension to the side of the main dwelling house. The proposal involves the continuation of the properties gable by approximately 3.5. The design includes a balcony at first floor level in the south facing elevation. The materials are intended to match the existing.

**2. Policies****2.1 National Policies**

Planning Policy Guidance Note 1 - General Policy and Principles

**2.2 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources  
A2(C) – Settlement Hierarchy  
A24 – Scale and Character of Development  
A56 – Alterations, Extensions and Improvements to Dwellings

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

S1 – Sustainable Development  
S2 – Development Requirements  
H4 – Main Villages: Settlement Boundaries  
H18 – Alterations and Extensions

### 3. Planning History

- 3.1 DCNW2004/0886/F - Erection of replacement detached double garage  
Current

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation – Raised no observations in respect of this application

### 5. Representations

- 5.1 Neighbours - A single neighbour letter of representation has been received from the following source:

- Mr and Mrs J. Adams, 28 The Griffins, Leintwardine  
The letter states no objection to the actual extension of the property, however, objection is raised to an element of the proposal and this can be summarised as follows:
- The proposed balcony will look into habitable rooms within 28 The Griffins and this represents a privacy issue,
- The existing hedging could be removed at a future date

- 5.3 Leintwardine Parish Council raised the following objection:

*'The main problem, and complaints have already been received, is the question of the first floor balcony overlooking adjacent properties; although the existing first floor windows already do this. The layout itself seems fussy with the extension not completing the plot in the SW corner. We wonder if the best solution has yet to be suggested.'*

- 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 areas for consideration are as follows:

1. Principle of development
2. Design and scale
3. Residential and visual amenity

### Principle

Adopted Leominster District Local Plan policies A1, A2, A24, and A56, together with emerging Herefordshire Unitary Development Plan policies S2, DR1, and H18, allow for residential extensions subject to their acceptability in relation to issues of design, scale, residential and visual amenity, and transportation.

### Design and Scale

The proposed extension to this property represents a continuation in the design concept of the existing built form and is considered appropriate and effective. The materials are intended to match the existing dwelling and will allow for the effective integration of the addition. It is considered that the character of the existing built form is maintained. The size of the addition is appropriate in the context of both the dwelling itself, and the application site. The design and scale are therefore considered acceptable.

### Residential and Visual Amenity

The principal issue of concern relating to this application is the balcony element of the proposal. The balcony is proposed at first floor level in the south facing elevation. This allows for direct overlooking of the properties to the south, and, to a lesser extent, the properties to the west.

Turning first to the west, the design of the balcony is such that the view to the west will be restricted. Notwithstanding this, the closest property to the west is some 50 metres away, and the garden boundary in the region of 18 metres away. This is considered within acceptable limits and is considered acceptable.

The first property to the south is Sunny Bank and is located forward of Forest Lodge. The orientation, angle, and distance from the balcony element (approximately 40 metres) is considered sufficient to preserve the privacy within the dwelling. The privacy of the rear garden area is, however, an issue for consideration.

There is currently a substantial evergreen hedge on the boundary and with this in situ the impact upon the garden area is greatly reduced. This hedge is outside of the applicant's control, being on the Sunny Bank site. The occupiers of Sunny Bank have been contacted regarding this situation and they have raised no objection to the proposal. It is clearly in the interest of the occupants of Sunny Bank to retain this screen to ensure the level of privacy currently afforded to their rear garden.

Turning to the properties further south, and the source of the neighbour objection to this scheme, the next closest property from the balcony is some 32 metres to the south. This distance is within acceptable limits and it is considered that the distance is such that there will be no loss of privacy on The Grifpins to justify the refusal of this application.

The impact upon residential amenity is therefore considered acceptable.

The design is considered acceptable and as such it is not considered that the character and appearance of the site will be adversely affected beyond the existing situation. The impact of the resultant dwelling upon the landscape is not considered harmful. The impact upon visual amenity is therefore considered acceptable.

**RECOMMENDATION**

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

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

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

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

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

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

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

**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.



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