

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 14th July, 2004**

Time: **2.00 p.m.**

Place: **The Council Chamber,
Brockington, 35 Hafod Road,
Hereford**

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 16th June, 2004.	1 - 24
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	25 - 26
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the following planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
6. DCNC2004/1742/F - PROPOSED TERRACE OF THREE TWO STOREY DWELLINGS ON LAND TO REAR OF 27, 29 AND 31 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JQ For: Leominster Dry Lining per Mr N La Barre Easters Court Leominster Herefordshire HR6 0DE Ward: Leominster South	27 - 30

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| 8. | <p>DCNW2004/1391/F - ERECTION OF DETACHED DWELLING AND ANCILLARY TWO BAY GARAGE ON LAND ADJ TO BARBERRY COTTAGE, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UB</p> <p>For: Mr & Mrs Corder per Border Oak Design & Construction Kingsland Sawmills Kingsland Leominster Herefordshire HR6 9SF</p> <p>Ward: Mortimer</p> | 35 - 42 |
| 9. | <p>DCNW2004/1511/F - TENTING SITE AND MOBILE RETIREMENT HOME IN FIELD NGR 7306 PLUS CONVERSION OF EXISTING SHED TO TOILET AND SHOWER AT THE WILLOWS, BIRTLEY, BUCKNELL, HEREFORDSHIRE, SY7 0DT</p> <p>For: Mr & Mrs M J Thomas of The Farlands Bungalow, Lingen, Bucknell, SY7 0DX</p> <p>Ward: Mortimer</p> | 43 - 48 |
| 10. | <p>DCNC2004/1455/F - EXTENSION TO HOUSE, NEW ACCESS AND WORKSHOP/GARAGE AND SITING OF NEW OIL TANK AT HILL VIEW, NEWTON, LEOMINSTER, HEREFORDSHIRE, HR6 0PF</p> <p>For: Mr R Royle as per above address</p> <p>Ward: Hampton Court</p> | 49 - 52 |
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| 12. | <p>DCNE2004/1171/F - ERECTION OF A DETACHED DWELLING AND NEW VEHICULAR ACCESS TO MELROSE, AT MELROSE, THE CRESCENT, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6QN</p> <p>For: Ms K M Berry per Mr M E Sutton, Tantara , Redland Drive, Colwall, Malvern, WR13 6ES</p> <p>Ward: Hope End</p> | 59 - 62 |
| 13. | <p>DCNE2004/1771/F - AGRICULTURAL BUILDING AT ORCHARD MEADOW, NEWTOWN, LEDBURY HR8 2UG</p> <p>For: Miss P Hill and Mr A Mannion per Wall, James and Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW</p> <p>Ward: Frome</p> | 63 - 68 |
| 14. | <p>DCNW2004/1404/M - VARIATION OF CONDITIONS 9 & 10 OF PLANNING PERMISSION NW2002/0573/M (OPERATING HOURS AND NOISE RESTRICTIONS). LEINTHALL QUARRIES, LEINTHALL EARLS, LEOMINSTER, HEREFORDSHIRE, HR6 9TR</p> <p>For Johnstone Roadstone Ltd per Wardell Armstorng Lancaster Building High Street Newcastle-under-Lyme ST5 1PQ</p> <p>Wards: Mortimer</p> | 69 - 76 |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 16th June, 2004 at 2.00 p.m.

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

Councillors: B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Edwards, 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.V. Stockton and R.M. Wilson

1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE CHAIRMAN

It was noted that at the Annual Council meeting on 21 May 2004, Councillor JW Hope was elected Chairman of the Sub-Committee and Councillor J Stone was appointed Vice-Chairman of the Sub-Committee.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RJ Phillips, DW Rule and JP Thomas.

3. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
Mrs JP French	Agenda Item 19 – DCNC2004/0182/F & DCNC2004/0183/L – Conversion to Snooker Hall and Bar Area and Four Flats at Brook Hall, 27 Broad Street, Leominster, Herefordshire, HR6 8BT.	Prejudicial and left the meeting for the duration of this item.
WLS Bowen	Agenda Item 7 – DCNC2003/1895/N – Pilot Plant for Accelerated Composting of Organic Material for 5 Years at Wharton Court, Wharton, Leominster, Herefordshire, HR6 0NX.	Personal and remained in the meeting for the duration of this item.

JHR Goodwin	Agenda Item 7 – DCNC2003/1895/N – Pilot Plant for Accelerated Composting of Organic Material for 5 Years at Wharton Court, Wharton, Leominster, Herefordshire, HR6 0NX.	Personal and remained in the meeting for the duration of this item.
RM Manning	Agenda Item 9 – DCNE2004/0951/O - Site For Detached Dwelling At Forge Courtyard, Canon Frome, Ledbury, Herefordshire, HR8 2TG.	Prejudicial and left the meeting for the duration of this item.
RM Manning	Agenda Item 10 – DCNE2004/1160/O – Site for Erection of Single Dwelling at Land West of Access to Millfields, Canon Frome, Ledbury, Herefordshire, HR8 2TG.	Personal and remained in the meeting for the duration of this item
J.W. Hope	Agenda Item 8 – DCNW2004/0080/O – Site for the Building of a Replacement Primary School on Land Belonging to Bliss Hall Farm, Staunton-on-Wye.	Prejudicial and left the meeting for the duration of this item.
A Poole	Agenda Item 7 – DCNC2003/1895/N – Pilot Plant for Accelerated Composting of Organic Material for 5 Years at Wharton Court, Wharton, Leominster, Herefordshire, HR6 0NX.	Prejudicial and left the meeting for the duration of this item.

4. MINUTES

RESOLVED: That the Minutes of the meetings held on 12 and 19 May 2004 be approved as a correct record and signed by the Chairman subject to the following: -

12 May 2004:-

Ref 1 (Brierley Court Farm, Brierley, Leominster DCNC2004/0321/F) - Councillor Mrs JP French also referred to the development of 300 units of accommodation at Barons Cross, Leominster in the Development Plan and draft Unitary Development Plan which had received a considerable amount of consultation whereas this proposal had not. She likened the proposals to the imposition of a university campus on a rural agricultural area and felt that planning law had not kept pace with agricultural changes.

The following amendments were made to the minutes of 19 May 2004:-

Ref 9 (Junction of Pump Street and Little Hereford Street, Bromyard DCNC2004/0101/F) – Replace the words “limited parking” with “lack of any parking” and.

Application Ref 4 (Stretton Grange Retirement Home, Stretton Grandison DCME2003/3706/F) – Councillor Mrs LO Barnett requested that reference to material considerations be made.

5. ITEM FOR INFORMATION - APPEALS

The report of the Head of Planning Services was received and noted.

6. APPLICATIONS RECEIVED

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

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

The receipt of five letters of objection and one letter of support was reported.

In accordance with the criteria for public speaking Mr Eley spoke against the application on behalf of Leominster Town Council and Humber, Ford and Stoke Prior Parish Council and Mr Helme spoke in favour of the application.

The Sub-Committee discussed the main elements of the application and the problems that had arisen in the past due to odour arising from the composting process at the site. The steps that had been taken by the applicant to deal with the problems and advice given by the officers in that respect were also noted. The Sub Committee was also mindful of the need to encourage diversification to help local agriculture and the importance of innovative waste management schemes.

Councillor KG Grumbley suggested that consideration of the application should be deferred until the composting process was perfected and odour problems had been resolved. The Principal Planning Officer (Minerals and Waste) advised that the Council had limited grounds of enforcement if consideration was deferred and that a Waste Management Licence could not be issued by the Environment Agency until planning permission had been granted.

Having further debated the application, the Sub-Committee considered whether permission should be granted for a temporary period and agreed that as the operation had been in place for nearly twenty eight months already, a 12 month permission should be granted. The Minerals and Waste Officer asked for and was given authority to amend the conditions as he thought necessary.

RESOLVED: That planning permission be granted for a 12 month period from the date of this meeting, subject to the following conditions to be amended as thought necessary and any further conditions considered necessary by Officers named in the scheme of Delegation to Officers:

- 1 - The use hereby permitted shall cease on 1st July 2005 and all of building 1, the high part of building 4 (i.e. that part not permitted under ref. NC1999/2252/F granted 8 March 2000), the scrubber tanks numbered 1, 2, 3, 4 and 5, the enclosed conveyor, two overhead ducts, the structure between building 4 and odour scrubbing unit no. 1, and contents of the bio-filter, and associated structures and works shown on plans 488/03 Rev B (May 04) and 488/04 Rev B (May 04) and described in Bioganix's letter of 10 May 2004, shall be removed from the application site before 1st July 2005.

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 2005 a scheme of work shall be submitted to the Local Planning Authority for their approval in advance in writing for the clearance of all of building 1, the high part of building 4 (i.e. that part not permitted under ref. NC1999/2252/F granted 8 March 2000), the scrubber tanks numbered 1, 2, 3, 4 and 5, the enclosed conveyor, two overhead ducts, the structure between building 4 and odour scrubbing unit No. 1, contents of the bio-filter and associated structures and works shown on plans 488/03 Rev B (May 04) and 488/04 Rev B (May 04) and described in Bioganix's letter of 10 May 2004, shall be removed from the application site before 1st July 2008, and for the restoration of the site to agriculture and to the condition permitted under ref. NC1999/2252/F and the approved scheme shall be fully implemented before 1st July 2005.

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 1st July 2005)(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
- Method and frequency of measurement in accordance with BS4142 1997
- 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 2004 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 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 - Unless otherwise agreed in writing in advance only enclosed conveyors or pipework shall be used to transport materials between the buildings on site.

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

- 24 - A structural and condition survey of Wharton Court and the two Listed Barns shall be undertaken in accordance with the Royal Institute of Chartered Surveyors' current good practice advice and submitted to the local planning authority for their approval not later than 1st July 2005. The submitted survey shall contribute to the understanding of the construction and development of these buildings and identify areas at risk as a basis for ensuring their protection and repair.

Reason: To safeguard the character, appearance and stability of the three Listed Buildings adjoining the site.

The Vice-Chairman, Councillor J Stone assumed the Chair for the following item.

8. 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)

In accordance with the criteria for public speaking Mr Pyemont spoke against the application and Mr Grist spoke in favour.

RESOLVED: 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 evaluated 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.

17 - The details of the design, extent and surfacing of the shared pedestrian and cycle path shall be submitted for consideration at the reserved matters stage. The approved details shall be carried out prior to the commencement of the use of the school and thereafter maintained.

Reason: To ensure that a locally acceptable and safe pedestrian and cycle access is provided.

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**

The Chairman assumed the Chair for the remainder of the meeting

9. DCNE2004/0951/O - SITE FOR DETACHED DWELLING AT FORGE COURTYARD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG

In accordance with the criteria for public speaking Mr Masefield spoke in favour of the application.

The Committee considered details about the site and proposed layout and concluded that the development would be acceptable if the play area was moved from the rear of the site to the front and tied into a Section 106 obligation for its future maintenance and adoption.

RESOLVED: That

- (I) the Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt necessary by the Head of Planning Services and the applicants entering into a Section 106 obligation for the play area to be located at the front of the site, provided that the Head of Planning Services does not refer the application to the Planning Committee; and**
- (II) if the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

(Note – the Northern Divisional Planning Officer said that given that the Sub Committee had considered the planning policies he would not refer the application to the Head of Planning Services)

10. DCNE2004/1160/O - SITE FOR ERECTION OF SINGLE DWELLING AT LAND WEST OF ACCESS TO MILLFIELDS, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG

In accordance with the criteria for public speaking Mr Jolly spoke in favour of the application.

The Principal Planning Officer said that a single storey dwelling was viewed as acceptable on planning grounds because it was more appropriate than a 2 storey dwelling at the entrance to the site. In answer to a question from Councillor Mrs LO Barnett the Principal Planning Officer said that there were sufficient material planning grounds for the application to be approved.

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

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

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

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

Reason: Required to be imposed by Section 54a 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 - H28 (Public rights of way)

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

6 - All access to the site is to be via the estate road (Millfields) to the east of the site and not access for vehicle or pedestrians shall be permitted directly onto the Class C 1154 road.

Reason: In the interests of highway safety.

7 - The subsequent submission of Reserved Matters shall provide for a single storey dwelling only.

Reason: In order to clarify the terms of this permission and reduce impact on the amenity of the area and nearby residents.

Informative:

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

11. DCNE2004/0241/F - REMOVAL OF CONDITION 7 OF PLANNING CONSENT MH92/1564 SOMERFIELD STORES LTD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EZ

The receipt of a further letter of objection was reported.

RESOLVED: 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 of approval and the screen erected within one month of the date of the Sub-

Committee 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

12. DCNW2004/0429/F - RECONSTRUCTION OF DEMOLISHED COTTAGE AT MOSELEY COTTAGE, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9HY

The Sub-Committee felt that there should be further clarification of the implications of the issues raised in a letter which had just been submitted to it.

RESOLVED: That consideration of the application be deferred.

13. DCNW2004/1097/F - TWO STOREY AND SINGLE STOREY EXTENSIONS AT NO. 2 LATIMER COTTAGE, THE MARSH, WEOBLEY, HEREFORDSHIRE, HR4 8RP

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

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

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

- 2) B01 - (Samples of external materials)

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

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

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

Informatives:

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

14. DCNW2004/1173/F - MOBILE HOME ON SITE FOR RESIDENTIAL USE AT THE BUILDINGS, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JH

In accordance with the criteria for public speaking Mr Withnell of Brilley Parish

Council and Mr Richardson on behalf of the applicant spoke in favour of the application.

The Chairman spoke in favour of the application and felt that there was sufficient flexibility within the planning policies to support it because the applicant provided a vital agricultural contracting service for the local community. The Sub-Committee discussed the details of the application and noted the grounds under which the applicant needed to live on site to operate his business more proficiently and to have greater security for his agricultural equipment. The Sub-Committee was satisfied that there were material reasons why there could be an exception could be made to the Council's policies in this particular case.

RESOLVED: That

1. the Northern Area Planning Sub-Committee is minded to approve the application subject to the permission being personal to the applicant and linked to his business for a maximum period of 5 years, subject to any further conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee; and
2. If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.

(Note – the Northern Divisional Planning Officer said that given that the Sub Committee had considered the planning policies he would not refer the application to the Head of Planning Services)

15. **DCNW2004/1194/F - INSTALLATION OF 2 NO. MOBILE CLASSROOMS AND CAR PARKING AREA AT WEOBLEY HIGH SCHOOL, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8ST**

The receipt of a letter of objection was reported.

RESOLVED: That planning permission be approved, subject to the following conditions:-

1. **A06 (Development in accordance with approved plans)**

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

2. **The mobile classrooms shall not be installed on site until details of the materials to be used externally on the walls and roofs have been submitted to and approved in writing by the Local Planning authority. Development shall be carried out in accordance with the approved details.**
3. **This permission shall expire on 16th Jun, 2009 . Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

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

4. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 16th June, 2009 in accordance with a scheme of work submitted to and approved by the local planning authority.

Reason: To ensure that the land is restored to an acceptable condition to safeguard the amenities of the locality.

5. Prior to the commencement of the use of the area designated as car parking, details of the proposed new fence shown on plan 6KAT/JHB/03/01/A shall be submitted to and agreed in writing by the Local Planning Authority. The fence shall not be erected until the written confirmation of acceptability has been received from the Local Planning Authority.

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

6. Prior to the commencement of the use of the area designated as car parking, the new pedestrian access point and footpath, Zebra Crossing and signage associated with the entry and exit points shown on approved plan 6KAT/JHB/03/01/A shall be completed in their entirety and retained at all times.

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

Informatives

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

16. DCNW2004/1236/F - AGRICULTURAL WORKERS DWELLING AT THE LIMES, NORTON CANON, HEREFORDSHIRE, HR4 7BP

In accordance with the criteria for public speaking Mrs Cole spoke against the application and Mr Palliser the applicant spoke in favour.

The Chairman referred to the planning policies that he considered were appropriate to the application and which supported the applicant's case as an agricultural worker. The Sub-Committee discussed whether the applicant could convert the existing barn into a dwelling or whether it would be more advantageous for him to be able to construct a new dwelling. The Sub-Committee felt that on balance it was more desirable for the applicant to construct a new dwelling on site but that the overall size of the proposed dwelling was too large for the site and to meet the requirements of planning policies relating to agricultural dwellings. It was agreed that this issue should be discussed further with the applicant.

RESOLVED: That consideration of the application be deferred pending negotiations with the applicant to ascertain if a smaller dwelling could be agreed than that proposed in the planning application.

17. DCNW2004/1257/F - PROPOSED SINGLE STOREY FRONT EXTENSION 27 LLEWELLIN ROAD, KINGTON, HEREFORDSHIRE, HR5 3AB

In accordance with the criteria for public speaking Mr Williams spoke against the application. The Sub-Committee had some concerns about the proposed extension because of the impact it would have on the neighbouring property through loss of light. It considered that permission could be granted if the officers could negotiate a smaller extension or one allowing the passage of more light through.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to negotiating an extension that would allay the concerns of the neighbours and consulting the neighbours and subject to the following conditions:

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

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

2 - B02 (Matching external materials (extension))

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

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

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

Informatives:

1 - N03 - Adjoining property rights

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

18. DCNC2003/3768/F & DCNC2003/3769/L- DEMOLITION OF GARAGE AND CONSERVATORY, CONSTRUCTION OF SIDE EXTENSION AND NEW BUILDING TO FORM 2 ADDITIONAL DWELLINGS, INTERNAL AMENDMENTS TO GROUND FLOOR AT 33 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JQ

NC2003/3768/F

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

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

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

2 - A09 (Amended plans)(7th April 2004)

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

3 - H13 (Access, turning area and parking)

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

4 - D01 (Site investigation - archaeology)

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

NC2003/3769/L

That Listed Building Consent be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)(7th April 2004)

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

Informative:

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

19. DCNC2004/0182/F & DCNC2004/0183/L - CONVERSION TO SNOOKER HALL AND BAR AREA AND FOUR FLATS AT BROOK HALL, 27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8BT

The Northern Divisional Planning Officer advised that further conditions needed to be added to any permission granted to tie car parking to the flats. He suggested that consideration of the application be deferred to allow further amendments to be made and the Conservation Officer to give further views.

RESOLVED: That consideration of the planning application be deferred.

20. DCNC2004/1133/F - SILAGE, HAY AND STRAW STORAGE AGRICULTURAL BUILDING AT PUDLESTON COURT FARM, PUDLESTON, LEOMINSTER, HEREFORDSHIRE, HR6 0QY

The receipt of a letter of objection was reported.

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

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

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

2 - B01 (Samples of external materials)

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

Informative:

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

21. DCNC2004/1137/F - SINGLE STOREY FRONT EXTENSION TO FORM ATTACHED GARAGE. TWO STOREY SIDE EXTENSION AT SUNNYMEAD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LJ

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

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

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

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

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

Informative:

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

22. DCNC2004/1246/F - REPLACEMENT CONSERVATORY, LOFT CONVERSION AND VARIOUS INTERNAL ALTERATIONS AT ST. THOMAS, STOCKENHILL ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8PP

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

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

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

- 2 - None of the development hereby approved shall be commenced until details of the 'fire wall' have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details prior to the accommodation first being brought into use unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

23. DCNC2004/1409/F - REMOVAL OF EXISTING STORAGE BARN, BINS AND SILO AND REPLACEMENT WITH OPEN PLAN STORAGE BUILDING AT BODENHAM GRAIN STORE, POOL HEAD, BODENHAM, HEREFORDSHIRE, HR1 3HP

The receipt of a letter of representation from the occupiers of the dwelling was reported. It was also reported that amended plans had been received from the applicant.

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

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

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

- 2 - The development hereby approved shall be carried out strictly in accordance with the amended plan, no. 01/A, including the external colour finish, received by the Local Planning Authority on 8 June 2004

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

- 3 - G04 (Landscaping scheme (general))

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

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

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

Informative:

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

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

The Northern Divisional Planning Officer advised that the Conservation Officer had said that there were three trees worthy of a Tree Preservation Order on the site. The Sub-Committee decided that there was merit on a TPO being placed on the wayfarer tree and the ash tree on the frontage of the site but that the yew tree was not worthy of retention.

RESOLVED: That subject to a Tree Preservation Order being placed upon the wayfarer tree and the ash tree on the frontage of the site, planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - B01 (Samples of external materials)

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

- 4 - 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 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.

- 12 - G19 - Existing trees which are to be retained**

Reason: In order to preserve the character and amenity 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.

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

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

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

Reason: To safeguard the amenities of the locality.

- 17 - E16 (Removal of permitted development rights) (delete 'fence/gates')**

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

- 18 Notwithstanding the information shown on the deposited plans and prior to commencement of any work on site, the applicant shall provide for the Local Planning Authority's approval, details of the access arrangements which shall prevent damage or harm to the protected trees and works**

shall be carried out in accordance with those agreed plans.

Reason: To prevent harm to the trees protected by a Tree Preservation Order.

Informatives:

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

25. DCNE2004/0639/F - NEW DETACHED HOUSE AT HIGHWOOD, UPPERFIELDS, LEDBURY, HEREFORDSHIRE, HR8 1LE

The receipt of a further letter of objection was recorded. in accordance with the criteria for public speaking Mr Clive the applicant spoke in favour of the application.

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

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - Before the development hereby permitted is commenced details of the proposed screening to the balcony shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity.

5 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority may retain control over the scale of this development.

6 - G04 (Landscaping scheme (general))

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

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

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

8 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

9 - F48 (Details of slab levels)

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

10 - H12 (Parking and turning - single house)

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

11 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

Informative:

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

26. DCNE2004/1018/F - AGRICULTURAL MACHINE STORE AND WORKSHOP AT TOWNEND FARM, BOSBURY, LEDBURY, HEREFORDSHIRE HR8 1JT

In accordance with the criteria for public speaking Mr Andrews the applicant spoke in favour of the application.

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

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

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

2 - B01 (Samples of external materials)

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

3 - Before the development hereby approved is commenced details of the precise location of the building shall have been submitted to and approved in writing by the local planning authority.

Reason: For the avoidance of doubt.

4 - H13 (Access, turning area and parking) (delete 'shown on approved plan')

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

Informative:

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

27. DCNE2004/0801/F - CONSTRUCTION OF AGRICULTURAL BUILDING AND MENAGE AT BROOK HOUSE, BISHOPS FROME, HEREFORDSHIRE, WR6 5BG

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

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

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

2 - B01 (Samples of external materials)

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

3 - 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.

4 - E11 (Private use of stables only)

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

5 - G04 (Landscaping scheme (general))

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

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

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

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

Reason: In the interests of highway safety.

8 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 - H08 (Access closure)

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

11 - H13 (Access, turning area and parking)

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

12 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

Informatives:

1 - HN01 - Mud on highway

2 - HN04 - Private apparatus within highway

3 - HN05 - Works within the highway

4 - HN10 - No drainage to discharge to highway

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

The meeting ended at 5.05 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNC2004/0009/O**

- The appeal was received on 8th June 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr I J Powell
- The site is located at Adjoining timber yard, Ocle Pychard, Herefordshire
- The development proposed is Proposed bungalow and garage
- The appeal is to be heard by Hearing

Case Officer: Philippa Lowe on 01432 303085**Application No. DCNC2004/0403/F**

- The appeal was received on 9th June 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 G White
- The site is located at New Pentwyn, Turning Ways, Risbury Leominster HR6 0NQ
- The development proposed is Erection of 4m of 1.8m high close boarded fence. (Retrospective.)
- The appeal is to be heard by Written Representations

Case Officer: Philippa Lowe on 01432 303085**Application No. DCNC2004/0407/F**

- The appeal was received on 11th June 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a planning condition
- The appeal is brought by P Shock
- The site is located at Former Magistrates Court, 15-17 Burgess Street, Leominster, Herefordshire, HR6 8DE
- The development proposed is Change of use and minor alterations to form two no. dwellings
- The appeal is to be heard by Written Representations

Case Officer: Philippa Lowe on 01432 303085**Application No. DCNW2004/1440/O**

- The appeal was received on 25th June 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 Duncan Cameron & Sons Ltd
- The site is located at Land at the Buttley, The Vineyards, Winforton, Hereford, Herefordshire, HR3 6EA
- The development proposed is Outline application for new residential development.
- The appeal is to be heard by Hearing

Case Officer: Adam Sheppard on 01432-261808

Further information on the subject of this report is available from the relevant Case Officer

APPEALS DETERMINED

Application No. DCNE2003/3278/F

- The appeal was received on 4th February 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Walker
- The site is located at Timberley, Putley, Ledbury, Herefordshire, HR8 2RF
- The application, dated 7th November 2003, was refused on 13th January 2004
- The development proposed was Change of use from holiday use to dwelling
- The main issue is whether the proposed development conflicts with national and local policies for the protection of the countryside

Decision: The appeal was **ALLOWED** and **planning permission granted** on 22nd June 2004
Case Officer: Mark Tansley on 01432-261956

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

**DCNC2004/1742/F - PROPOSED TERRACE OF THREE
TWO STOREY DWELLINGS ON LAND TO REAR OF 27,
29 AND 31 SOUTH STREET, LEOMINSTER,
HEREFORDSHIRE, HR6 8JQ**

**For: Leominster Dry Lining per Mr N La Barre
Easters Court Leominster Herefordshire HR6 0DE**

Date Received:

12th May 2004

Ward:

Leominster South

Grid Ref:

49645, 58765

Expiry Date:

7th July 2004

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The site is located on the east side of South Street. Access to the site is through an arched entrance, which currently serves the existing parking and storage area associated with commercial and retail units.
- 1.2 The site is a long plot, which abuts the British Legion Club to the north, the Larches in Coningsby Road to the South, with properties in Eaton Close lying to the East.
- 1.3 The proposal is to erect a terrace of 3 two-bedroomed houses with parking to the front and private gardens to the rear.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A52 – Primary Residential Areas
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development
A73 – Parking Standards and Conservation

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

H1 – Hereford and the market towns: settlement boundaries
H13 – Sustainable residential design

3. Planning History

- 3.1 No relevant planning history.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transportation - No objection subject to condition requiring the provision of parking and manoeuvring space within the site.

4.3 Archaeology Adviser - awaiting comments

5. Representations

5.1 Leominster Town Council: - Recommend refusal, as it is considered to be backland development. It is also felt that there are already too many points of access/egress in this busy area. Any more development at the Leisure Centre site will create further congestion at the Coningsby Road/South Street junction, and it is felt that additional residential traffic at this point would be inappropriate.

6. Officers Appraisal

6.1 The application site lies within a primarily residential area for planning policy purposes, where the presumption is in favour of development. The proposed layout makes efficient use of the land in line with the guidance laid down in PPG3 – Housing, in terms of the proposed layout for the housing and the retention of existing storage and parking facilities for commercial usage. There is therefore no objection in principle to residential development of this density within a town centre location.

6.2 The orientation and siting of the new housing has been designed to minimise the impact both on adjacent properties as well as the character and appearance of the area. It is not considered that the development will result in any adverse impact in terms of loss of amenities.

6.3 Negotiations have taken place with the applicant's agent to revise the external appearance of the development to ensure that the design sits comfortably within the overall area. Minor revisions have been recommended including removal of hipped ends, insertion of chimneys and amendment to dormers and window details. The parking/amenity area also requires further revisions to improve the overall appearance of the site entrance. Amended plans are now awaited.

RECOMMENDATION

Subject to the receipt of suitably amended plans, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 - B01 (Samples of external materials)

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

3 - E16 (Removal of permitted development rights)

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

- 4 - E18 (No new windows in specified elevation) (delete 'no dormers', insert 'southern end elevation')

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

- 5 - H13 (Access, turning area and parking)

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

- 6 - D01 (Site investigation - archaeology)

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

- 7 - F17 (Scheme of foul drainage disposal)

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

- 8 - G01 (Details of boundary treatments) ('buldings are occupied', delete 'timetable to be agreed')

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 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNW2004/0829/F - TWO STOREY EXTENSION AND
CONSERVATORY AT RHODDS FARM, LYONSHALL,
KINGTON, HEREFORDSHIRE, HR5 3LW**

**For: Mr & Mrs R Goode Bryan Thomas Architectural
Design Ltd The Malt House Shobdon Leominster
Herefordshire HR6 9NL**

Date Received:
5th March 2004

Ward:
**Pembridge &
Lyonshall with Titley**

Grid Ref:
31311, 55047

Expiry Date:
30th April 2004

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 Rhodds Farm occupies an inconspicuous position in open countryside designated as an Area of Great Landscape Value. It is approached via a long, private drive from an unclassified road, between Penhros and Elsdon. The property is an attractive, unlisted farmhouse, which has been extended through the expansion of residential accommodation into a former agricultural building linked to the house.
- 1.2 There are two other buildings in close proximity to the house, a brick built barn, which has permission for use as ancillary residential accommodation, and a granary building used for domestic storage purposes.
- 1.3 Planning permission is sought to demolish the linked agricultural building and build a large, two-storey extension with forward and rear projecting gables, with the main intention of creating a symmetrical addition to the original property.
- 1.4 The original submission has been slightly revised through the re-design of the proposed fenestration, intended to reduce the perceived visual scale of the extension, and the reduction in the height of the gabled element.

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC2 - Areas of Great Landscape Value
CTC9 - Development Requirements

2.2 Leominster District Local Plan (Herefordshire)

A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A56 - Alterations, Extensions and Improvements to Dwellings

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

DR1 - Design

H7 - Housing in the Open Countryside Outside Stetlements

H18 - Alterations and Extensions

LA2 - Landscape Character and Areas Least Resilient to Change

3. Planning History

NW2003/3571 - Conversion of outbuilding to ancillary accommodation
Approved: 12th February, 2004.

96/0386/N - Alterations to form additional living accommodation
Approved: 10th July, 1996.

4. Consultation Summary

Statutory Consultees

4.1 Forestry Commission raises no objection

Internal Consultee Advice

4.2 Head of Engineering and Transportation raises no objection

4.3 Public Rights-of-Way Manager raises no objection

5. Representations

5.1 The applicant has provided a summary of some of the factors that have determined the design. These are as follows:-

- the ceiling height of the centre section of the property has a ground floor height of between 1.86metres and 1.95metres, making the further reduction in the height of the extension unfeasible.

- the lower central section becomes the main circulation space and, by turning the extension through 90 degrees, the north-west elevation is reduced in size.

- the overall result is an elevation with substance and balance, with the extension complementing the original.

- the first elevation seen on arrival at the site is the north east elevation, which is unchanged

5.2 Lyonshall Parish Council raises no objection.

5.3 There were no private representations in response to the publicity procedure.

6. Officers Appraisal

- 6.1 In view of the isolated location of the property, the only issue for consideration in the determination of the application is the impact of the proposed extension on the character and appearance of the farmhouse.
- 6.2 Policy A56 of the Leominster District Local Plan (Herefordshire) establishes a number of criteria of which the importance of the scale and design of extensions and their dominance in respect of the original dwelling is considered to be of key significance.
- 6.3 It is acknowledged that existence of the existing part timber framed and boarded addition is a material consideration when assessing the relative harm caused by the proposed extension and, in this case, it is accepted that its overall size does allow for a degree of flexibility so far as the size of the addition is concerned. However, the current arrangement is such that the additional building comprises a linear form that has a modest scale and simpler, semi-agricultural appearance which, when combined with its lower ridge and eaves height, clearly distinguishes the farmhouse as the dominant structure.
- 6.4 The design of the extension is such that the ridge and eaves height would be identical and the simple linear form of the existing addition would be replaced with what would represent a visually dominant gable feature, which, although some 300mm lower than the height of the farmhouse and treated in render, is regarded to be too significant a feature, that tends to overwhelm the original structure.
- 6.5 This gable is repeated to the rear to create a symmetrical design, but one of significant scale when related to the main part of the farmhouse.
- 6.6 Whilst attempts have been made to increase the subservience of the extension, it is not considered that these are sufficient to overcome the concerns regarding its scale and overwhelming impact and, as such, the proposal fails to satisfy the requirements of Policy A56 of the Leominster District Local Plan (Herefordshire).

RECOMMENDATION

That planning permission be refused for the following reason:

- (1) The extension, by reason of its overall scale and design, would overwhelm the original structure and, as such, it would be contrary to Policy A56 of the Leominster District Local Plan (Herefordshire).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNW2004/1391/F - ERECTION OF DETACHED DWELLING AND ANCILLARY TWO BAY GARAGE ON LAND ADJ TO BARBERRY COTTAGE, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UB

For: Mr & Mrs Corder per Border Oak Design & Construction Kingsland Sawmills Kingsland Leominster Herefordshire HR6 9SF

Date Received:

16th April 2004

Expiry Date:

11th June 2004

Local Member: Councillor Mrs L.O Barnett

Ward:

Mortimer

Grid Ref:

41130, 69009

1. Site Description and Proposal

- 1.1 This application seeks planning permission for the erection of a Border Oak, 4-bedroom property with a detached garage. The site comprises part of the gardens of Barberrry Cottage, an unlisted, timber-framed property, and Lyndum, a modern, 1970's property. The site is located within the settlement boundary and Conservation Area of Wigmore.
- 1.2 This application is a revised re-submission for an enlarged dwelling with a detached garage, in place of an existing consent for a 3-bedroom dwelling with no garage facility. This revised proposal, which takes into account detail alterations requested from the withdrawn re-submission, seeks an enlarged dwelling, providing an extra bedroom, together with a sun room addition. The proposed dwelling now has no wing to the east, with a utility to the west and the entirety of the property moved to the eastern boundary of the site. A detached, double garage is now proposed to the south of the main dwelling with an access drive running to the west of the dwelling, adjacent to the boundary with "Lyndum".

2. Policies

2.1 National

PPG1 – General Policy and Principles

2.2 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
 A2(C) – Settlement Hierarchy
 A9 – Safeguarding the Rural Landscape
 A10 – Trees and Woodlands
 A21 – Development within conservation Areas
 A24 – Scale and Character of Dvelopment
 A54 – Protection of Residential Amenity

A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan

DR1 – Design

DR2 – Land Use and Activity

DR4 – Environment

H4 – Main Villages – Settlement Boundaries

H13 – Sustainable Residential Design

T11 - Loss of Existing Offices

LA2 – Landscape Character and Areas least Resilient to Change

LA5 – Protection of Trees, Woodlands and hedgerows

HBA4 – Setting of Listed Buildings

HBA6 - New Development within Conservation Areas

3. Planning History

DCNW2003/3757/F - Erection of detached, single dwelling, with associated detached garage.

Withdrawn

DCNW2003/0059/F - Erection of detached single dwelling

Approved 3rd March, 2003.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - Advised that not responsible for sewerage in this area.

4.2 Severn Trent - Awaiting comments

Internal Council Advice

4.3 Head of Engineering and Transportation - Raised no objections, subject to conditions

4.4 Head of Historic Buildings and Conservation - Raised no objections, subject to conditions

5. Representations

5.1 Parish Council: No objections

5.2 Representation has been received from the following source:-

Mr & Mrs Davies, Barberrry Cottage, Wigmore

The objections to the proposed development can be summarised as follows:

1. The proposal is for a significantly larger dwelling than that previously proposed;
2. Revised position will have a serious impact upon Barberrry Cottage, due to gradient of the site;
3. Revised proposal has a greater overbearing impact than approved scheme;

4. Privacy implications;
5. Impact of garage and access;
6. Excessive development for the site, which would be uncharacteristic in this locality;
7. Inappropriate design;
8. Standard "catalogue" design, not bespoke for location;
9. Unacceptable impact upon Barberrry Cottage, a Listed property;
10. Dwelling could be set lower in the site.

In relation to the above, it is advised that Barberrry Cottage is not, according to our records, a Listed Building.

5.3 A letter has been received from the applicant in response to the objection received.

1. The plot was purchased at auction, the only other serious bidder being Mr Davies, the objector to this scheme;
2. This revised design is more in keeping with the local vernacular;
3. Discussions with Mr Davies have not proved productive.

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:

- 6.1.1 Principle of development
- 6.1.2 Design and scale
- 6.1.3 Residential and visual amenity
- 6.1.4 Transportation
- 6.1.5 Conservation Area issues
- 6.1.6 Site levels

6.2 Principle of Development

6.2. The application site is within the settlement boundary of Wigmore and the Leominster District local Plan accepts the principle of residential development in such locations, subject to the details of the proposal.

6.3 Design and Scale

6.3.1 The dwelling would be set back from the roadside boundary by some 11 metres. The design now proposed is a revision of the withdrawn re-submission. This application takes into account the detail amendments relating to materials. In relation to the approved scheme, the design concept is similar. This current scheme now proposes dormer windows in place of the full, two-storey appearance and gables are introduced to the rear. In addition, the balance is changed by virtue of the removal of a single-storey addition to the east. Notwithstanding these alterations, the design continues to utilise high quality materials as in the approved development and revisions from the previous re-submission have enhanced this proposal. It is considered that the design is appropriate for this site and will not appear uncharacteristic in an area characterised by design and architectural period variety.

The site is undoubtedly sufficient to accommodate this dwelling. The design and scale are therefore considered acceptable.

6.4 Residential and Visual Amenity

6.4.1 It is recognised that the proposed development is now closer to the boundary with Barberrry Cottage than the approved scheme and, in addition, it is now a two-storey gable on the boundary, as opposed to the approved single-storey 'wing'. Notwithstanding this, the dwelling remains, at its closest point, 10 metres away from Barberrry Cottage, with the front elevation of the proposal two metres back from the rear elevation of Barberrry Cottage. It is considered that this distance is sufficient to ensure that Barberrry Cottage itself will not suffer from an overbearing impact beyond acceptable limits. No openings are proposed in the side elevations of the main dwelling and the side elevation of room on the boundary with Barberrry Cottage can be conditioned with obscure glazing and non-opening windows. This will ensure the privacy of the neighbouring dwellings. It is considered unreasonable to restrict the type and opening of the corner opening in the conservatory on the boundary with Barberrry Cottage on the basis that this will allow only for overlooking of the rear garden to a level that would be reasonably expected in an adjoining site, and which will be no greater than possible from the first floor rear openings. The principal alteration from the approved scheme in respect to 'Lyndum' is the detached garage and access. The garage building itself will not have an overbearing impact and, while a degree of disturbance will result from vehicle movement, it is not considered that this will be unreasonable.

6.4.2 The local vernacular is somewhat varied, but the broad historical character is recognised. Although this is a substantial property, the set back position will continue to ensure that the property has limited visual impact in its own right and will not dominate the adjacent properties in views from the east and west along Castle Street. It is considered that the proposed dwelling will not appear incongruous within the street scene and it is suggested that the visual amenities of the locality will not be harmed by this development.

6.4.3 The impact upon residential and visual amenities is considered acceptable.

6.5 Transportation

6.5.1 Conditions relating to access details will be attached to the consent in the interests of highway safety. No objections to the development itself are raised by the transportation team.

6.6 Conservation Area Issues

6.6.1 The site is visible from the unclassified road to the south but, in this vantage point, the modern 1970's infill opposite and above the application site dominates the view. The proposal will not therefore have an adverse impact in this context. It is not considered that the proposal will enhance the character and appearance of the Wigmore Conservation Area.

6.7 Site Levels

6.7.1 The application site is on a relatively steep gradient and this is of relevance to the potential impact of this development the proposed development is set into the site to

a degree, but it is accepted that elements of the scheme, most notably the sun room, will be raised to a relatively significant level from the site level. A further setting down of the dwelling into the site could reduce this difference. Clearly, however, this would have implications upon the relationship of the dwelling to the road and a balance needs to be struck. The application has been submitted on the basis of the desired siting of the applicant and, on the basis of the impact of the development, it is not considered reasonable for an insistence that the dwelling be set further into the site. The result of the difference in levels presents, as noted above, no unacceptable issues of overbearing impact or loss of privacy by virtue of the relationship and distances involved and restrictive conditions to be imposed on openings on this boundary. Level details, the lack of which was a reason for the withdrawal of the previous re-submission, have been provided. Notwithstanding this, further comprehensive level details will be requested to ensure the detailing of this scheme.

Conclusions

It is considered that the on-site situation from the approved scheme has not significantly changed and the impact of this development above and beyond that of the approved scheme is not considered sufficient to justify the refusal of this amended proposal.

Recommendation:

That, subject to the response of Severn Trent Water, the application be approved, subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - C05 (Details of external joinery finishes)

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

4 - E18 (No new windows in specified elevation) (west or east elevations)

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

5 - E19 (Obscure glazing to windows)

Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the east facing openings in the sun room shall be glazed with obscure glass only and shall be non-opening.

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

6 - F48 (Details of slab levels)

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

7 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

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 - H04 (Visibility over frontage) (2m)

Reason: In the interests of highway safety.

12 - H05 (Access gates) (5m)

Reason: In the interests of highway safety.

13 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

14 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

15 - H12 (Parking and turning - single house) (2 cars)

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

16 - H27 (Parking for site operatives)

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

Informatives:

- 1. N03 - Adjoining property rights**
- 2. HN01 - Mud on highway**
- 3. HN04 - Private apparatus within highway**
- 4. HN05 - Works within the highway**
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNW2004/1511/F - TENTING SITE AND MOBILE
RETIREMENT HOME IN FIELD NGR 7306 PLUS
CONVERSION OF EXISTING SHED TO TOILET AND
SHOWER AT THE WILLOWS, BIRTLEY, BUCKNELL,
HEREFORDSHIRE, SY7 0DT**

**For: Mr & Mrs M J Thomas of The Farlands Bungalow,
Lingen, Bucknell, SY7 0DX**

Date Received:

29th April 2004

Expiry Date:

24th June 2004

Local Member: Councillor Mrs L.O. Barnett

Ward:

Mortimer

Grid Ref:

36784, 69051

1. Site Description and Proposal

- 1.1 The Willows comprises a 1.24 hectare site, located on the west side of C1007 and close to the small scattering of properties forming the hamlet of Birtley.
- 1.2 The site is split into two parcels and is screened from the highway by an existing mature, roadside hedgerow. The "front field" is the larger of the two, over which runs an unmetalled driveway from the gated access to the "rear field". Both fields have been planted with a mix of ornamental and native species trees.
- 1.3 The "rear field" is primarily the subject of this application and is also screened along all four boundaries by well-established hedgerows and trees. There are two existing, wooden-built structures on the site, as well as a touring caravan.
- 1.4 The site lies wholly within an Area of Great Landscape Value.
- 1.5 Planning permission is sought for the change of use of rear field to a small campsite for up to 10 tents, the conversion of the larger, existing structure into an office, toilet and shower and the siting of a mobile home for permanent residential occupation by the applicant. The mobile home would enable the supervision of the campsite, as well as provide an affordable retirement home for the applicants.

2. Policies

2.1 Hereford and Worcester County Structure Plan

H16A - Development Criteria

H20 - Residential Development in Open Countryside

E20 - Development of the Tourist Industry

CTC2 - Development in Areas of Great Landscape Value

CTC9 - Development Criteria

CTC11 - Conservation and Expansion of Tree and Woodland Cover

TSM1 - Criteria for Tourism Related Development

TSM2 - Scale of Tourism Projects

2.2 Leominster District Local Plan (Herefordshire)

- A1 - Managing the District's Assets and Resources
- A2(D) - Settlement Hierarchy
- A9 - Safeguarding the Rural Landscape
- A10 - Trees and Woodlands
- A12 - New Development and Landscape Schemes
- A13 - Pollution Control
- A16 - Foul Drainage
- A24 - Scale and Character of Development
- A35 - Small Scale New Development for Rural Businesses within or around Settlements
- A38 - Rural Tourism and Recreational Activities
- A39 - Holiday Chalet, Caravan and Camping Sites
- A48 - Affordable Housing for Local Needs in Rural Areas
- A58 - Mobile Homes
- A70 - Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- S4 - Employment
- S7 - Natural and Historic Heritage
- S8 - Recreation, Sport and Tourism
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR13 - Noise
- DR14 - Lighting
- H7 - Housing in the Countryside Outside Settlements
- H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
- E11 - Employment in the smaller settlements and open countryside
- E15 - Protection of Greenfield Land
- LA2 - Landscape Character and Areas least Resilient to Change
- LA6 - Landscaping Schemes
- RST1 - Criteria for Recreation, Sport and tourism Development
- RST13 - Rural and Farm Tourism Development
- RST14 - Static Caravans, Chalets, Camping and touring Caravan Sites
- CF2 - Foul Drainage

3. Planning History

NW2003/2978/F - Proposed camp and touring caravan site with mobile log cabin
Withdrawn: 5th November, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency submit a HOLDING OBJECTION until further information is supplied on how foul drainage will be safely disposed of from the proposed development.

The previous proposal was catered for by a septic tank and soakaway system.

A cesspool as proposed is the least sustainable option but, if a septic tank or treatment plant was proposed rather than a cesspool, the Agency would be in a position to recommend a planning condition for a scheme of foul drainage to be submitted and agreed.

Internal Consultee Advice

- 4.2 The Chief Conservation Officer raises no objection to the proposed use as a campsite or to the conversion of the existing building. However, a strong objection is raised to the proposed mobile home in terms of its impact on the rural character of the site and surrounding countryside.

Comments are made on the landscaping details, which are considered to be too ornamental and the aim should be to simplify the scheme, remove any fencing and artificial screening, in order to retain the simple, rural character. Further consideration should be given to the treatment of the driveway.

- 4.3 Head of Engineering and Transportation raises no objection.
- 4.4 Head of Environmental Health and Trading Standards raises no objection, but states that a site licence would be required from the Local Authority.
- 4.5 Public Rights-of-Way Manager raises no objection.

5. Representations

- 5.1 Three (3) letters of objection have been received from the following persons:

- Mr & Mrs Keown-Boyd, Birtley Farm, Birtley, Bucknell
- T.M. Attwood, Chapel Cottage, Birtley, Bucknell
- J.L. Thomas, The Old Post Office, Birtley, Bucknell

- 5.2 The concerns raised can be summarised as follows:

- open countryside location
- detrimental effect upon Area of Great Landscape Value and potential impact upon protected species
- Substantial storage tank required to deal with foul drainage
- power and light would require a diesel generator, creating constant noise
- site itself will create noise and light pollution - loud music at all hours
- how will waste from the site be dealt with

- buildings were built by the applicant; i.e. not replacing existing buildings
- this is not a farm diversification project
- if approved, such a development will lead to more proposals that could not be reasonably refused by the Local Planning Authority
- new driveway created without planning permission
- no demand for campsites in the area
- access is unsafe

5.3 Walford, Letton and Newton Parish Council support the application, but suggest temporary 5-year permission should be granted.

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

- a) the principle of a campsite supported by ancillary facilities and a residential mobile home
- b) the visual impact of the proposed campsite and associated structures within the Area of Great Landscape Value;
- c) drainage; and
- d) access

Principle of Campsite Use

6.2 Policy A2(D) of the Leominster District Local Plan (Herefordshire) is broadly supportive of small-scale employment generating proposals in the open countryside and Policy A39 deals specifically with proposals for new campsites. It requires the scale and character of proposals to be compatible with the area, to preserve the amenities of neighbouring properties, to provide safe access and appropriate landscaping.

6.3 In this case, it is considered that the principle of a tented site on the relatively well screened rear field is an acceptable one and would, subject to a satisfactory approach to the landscaping of the site being agreed, accord with the terms of Policy A39. It is advised that, in this respect and given the limited impact on the character and appearance of the site, the issue of need is not a material policy consideration and neither would the applicants' assertion that this forms part of a farm diversification project.

6.4 The re-use of the existing timber-clad building located against the well-established hedgerow defining the boundary between the two fields is regarded as acceptable in principle, since Policy A38 of the Local Plan would allow for the construction of a new building of an appropriately small scale and in keeping with the appearance of the locality. Again, the relatively limited visual impact of this building in the local landscape has formed part of the assessment of the acceptability of this proposal.

6.5 This leaves the principle of the proposed residential mobile home, which the applicants identify as being primarily for retirement purposes and to supervise the

campsite. Having regard to currently adopted policy and the greater flexibility afforded by emerging Policy H8 of the Herefordshire Unitary Development Plan (Herefordshire), an assessment has been made of the need for full-time supervision of this proposed campsite use. It is considered that there is no functional or long term, genuine need for a residential presence, either on a permanent or temporary basis and, as such, this element of the proposal is wholly contrary to the adopted and emerging plan policies.

- 6.6 It is strongly maintained that campsite uses such as this should be established adjacent to existing dwellings or in association with existing buildings capable and worthy of conversion to a dwelling, rather than as proposed by the applicant in this case. The acceptance of a residential presence, based upon such a low-key and highly seasonal use, would establish an extremely dangerous precedent which could be repeated with serious implications for the character and appearance of the Area of Great Landscape Value.
- 6.7 Accordingly, whilst the benefits of encouraging tourism-related development in rural areas is recognised, this should not outweigh the strong presumption against residential development, which is far more strictly controlled.

Impact on the Area of Great Landscape Value

- 6.8 The presence of the existing structures on the site and the proposed re-use of the timber-clad building (notwithstanding the assertion made by objectors that it is unauthorised) would not have such a significantly adverse effect on the character and appearance of the site and surrounding countryside to warrant the refusal of planning permission.
- 6.9 The introduction of a substantial mobile home would, however, represent an alien feature in this unspoilt landscape and, whilst the site benefits from established screening along its boundaries, views of the site are possible from the gated access to the east and the footpath to the west, where the structure would certainly be seen during the winter months. In view of the lack of evidence relating to the need for the mobile home, the requirement to preserve the character and appearance of the local landscape is accorded significant weight and, as such, the proposed mobile home would be contrary to Policy A9 of the Local Plan.
- 6.10 The landscaping proposals are considered rather ornamental and, accordingly, it would be strongly recommended that a more mature species planting scheme should be agreed and implemented. Furthermore, the visual impact of the driveway could be minimised through the imposition of an appropriate condition.

Drainage

- 6.11 A holding objection has been submitted by the Environment Agency until such time as details of how foul drainage will be safely disposed of are submitted for consideration. This information has been requested and the response will be reported to Members at the meeting.
- 6.12 In the absence of any further detailed information, this could represent a reason for refusal in its own right, pursuant to Policy A16 of the Local Plan.

Access

6.13 Notwithstanding the concerns raised locally, the Head of Engineering and Transportation raises no objection to the existing access arrangement to serve the proposed campsite.

RECOMMENDATION

Subject to the receipt of further information relating to the proposed foul drainage arrangements, that planning permission be refused for the following reasons:

- (1) The proposed siting of the mobile retirement home would be tantamount to the creation of a new dwelling, which, in the absence of any exceptional circumstances to justify otherwise, would be contrary to Policy H20 of the Hereford and Worcester County Structure Plan, Policy A2(D) of the Leominster District Local Plan and Policy F18 of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft).**

- (2) The proposed siting of the mobile retirement home and the additional pressure for the creation of a residential curtilage and associated domestic paraphernalia would represent development out of keeping with the character and appearance of the site and the surrounding countryside, which is designated as an Area of Great Landscape Value. Accordingly, the proposal as a whole would be contrary to Policies E20, CTC2 and TSM1 of the Hereford and Worcester County Structure Plan; Policies A9, A38, A39 and A58 of the Leominster District Local Plan and Policies E11, LA1 and RST14 of the emerging Herefordshire UDP (Revised Deposit Draft).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNC2004/1455/F - EXTENSION TO HOUSE, NEW
ACCESS AND WORKSHOP/GARAGE AND SITING OF
NEW OIL TANK AT HILL VIEW, NEWTON,
LEOMINSTER, HEREFORDSHIRE, HR6 0PF**

For: Mr R Royle as per above address

Date Received:
21st April 2004

Ward:
Hampton Court

Grid Ref:
50088, 53779

Expiry Date:
16th June 2004

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 The application site forms a broadly rectangular parcel of land, located to the southern edge of the unclassified Newton Lane, a no through road. Buildings on site comprise the existing two-storey dwelling, built some time in the 1950s and a detached double garage. These structures occupy the eastern portion of the site. The remainder of the site comprises private amenity space, located predominantly to the west of the dwelling.
- 1.2 The site occupies what is a relatively isolated position; the nearest neighbour situated 110 metres to the east. Land to the north, west and south of the application site is in agricultural use. The wider area is designated as an Area of Great Landscape Value.
- 1.3 Planning permission is sought for a two-storey side extension, a workshop/garage and the siting of a new oil tank. The extension, proposed to the western elevation would incorporate a study and living room at ground floor level with an en-suite bedroom over. The overall width of the extension is 6 metres, the overall depth 8.8 metres. A gable is proposed to the front elevation, designed to replicate an existing gable, which was an integral feature of the original dwelling.
- 1.4 The proposed extension is a revision to that originally proposed, the width having been reduced by 600mm and the overall height by 500mm. This reduction in height has necessitated the introduction of a small flat roof dormer window to the western roof slope.
- 1.5 The workshop/garage element of the scheme was originally proposed to the north-western corner of the site. A new driveway was intended to run parallel to the existing hedgerow between an avenue of trees, the remnants of a former orchard. Following negotiation between officers and the applicant, both the design and location of the building have been revised. It is now proposed that the workshop/garage be sited closer to the existing dwelling, to a position at the southern edge of the site.
- 1.6 The final element of the scheme involves the positioning of a new 2,500-litre oil tank to the north-eastern corner of the site, adjacent to the existing vehicular access.

2. Policies

2.1 Leominster District Local Plan

Policy A.24 – Scale and Character of Development
Policy A.54 – Protection of Residential Amenity
Policy A.56 – Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire UDP (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy DR1 – Design
Policy H18 – Alterations and Extensions

3. Planning History

96/0164/N – Replacement garage approved with conditions on the 3rd April 1996

94/0605 – Removal of agricultural occupancy condition from Hill View – Approved 13th December 1994

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations were required

Internal Consultee Advice

4.2 Head of Engineering and Transportation: Recommends the imposition of conditions relating to the proposed new access.

5. Representations

5.1 Newton Parish Council raise no objection.

5.2 Hope-Under-Dinmore Parish Council (adjoining) raise no objection.

6. Officers Appraisal

6.1 The main issue for consideration in the determination of this application is the scale and impact of the proposed extension and workshop/garage upon the character and appearance of the existing dwelling and the surrounding area.

6.2 The existing dwelling has a relatively unusual design feature in that a gable projects from the front elevation, obscuring for the most part the remainder of the dwelling when viewed from the roadside elevation. It is understood that this was an integral feature in the construction of the original dwelling.

6.3 The extension attempts to mirror this approach, albeit on a smaller scale. Initial concern over the mass of the extension resulted in a reduction of both the width and height. It is considered that this lends the proposal a greater degree of subservience, and it is not considered that any significant harm to the property would result.

- 6.4 Initially the proposed workshop/garage was to be sited at the north-western corner of the site some 3 metres from Newton Lane. A driveway proposed to serve the structure was to run parallel with the lane. Owing to scale and site topography the workshop/garage and driveway were considered unacceptable in their original form. Negotiations sought both a re-siting and a reduction in the overall bulk of the proposal.
- 6.5 The revised siting is to the southern boundary, approximately 16.5 metres from the dwelling and substantially further from the main public vantage point along the lane. Mature boundary treatment and topography ensure that the structure would appear unobtrusive when viewed from the south. The ridge height has been reduced by 500mm to 5 metres and the depth has been reduced from 10 to 8 metres. The revised siting and reduction in scale is considered to relate better to the existing development on site and represent a significant improvement in terms of the impact upon the wider visual amenity of the area.
- 6.6 Officers would not raise an objection to the siting of the oil tank, which would be screened from public vantage points by existing boundary treatments.
- 6.7 Taken cumulatively it is now considered that the revised scheme accords with the relevant local plan policy.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans)(18th June 2004)**

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

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

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

- 4 - Prior to the commencement of development, details of the proposed surfacing material to the new driveway shall be submitted to an approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory form of development.

- 5 - E08 (Domestic use only of garage)**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

- 6 - H01 (Single access - not footway)(new access set back 5 metres)

Reason: In the interests of highway safety.

- 7 - H05 (Access gates)(set back 5 metres)

Reason: In the interests of highway safety.

- 8 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

NORTHERN AREA PLANNING SUB-COMMITTEE

14 JULY 2004

**DCNE2004/0317/F - DETACHED DWELLING HOUSE ON
PLOT AT HORSE ROAD, WELLINGTON HEATH,
LEDBURY, HEREFORDSHIRE, HR8 1LS**

**For: Mr R W Cowburn per Mr E Cartwright 42 Cumbria
Close Thornbury South Glous. BS35 2YF**

Date Received:
28th January 2004

Ward:
Hope End

Grid Ref:
71186, 40192

Expiry Date:
24th March 2004

Local Member: Councillors R Mills and R Stockton

1. Site Description and Proposal

- 1.1 This site is located on the eastern side of Horse Road that runs through the centre of Wellington Heath. The plot is surrounded by residential dwellings with Charnwood, The Dingle and Pear Tree Cottage to the west, Mortar Cottage to the south and Dogberry Cottage to the east. The car park to the Farmers Arms Public House is to the north.
- 1.2 Planning permission is sought to construct a four-bedroom house with a detached single garage. The site is located within the settlement boundary for Wellington Heath and has the benefit of outline planning permission. The plans have been amended since submission to reduce its height, remove windows, reduce the height of the garage, and appropriate terracing of the land.

2. Policies

2.1 PPG3: Housing

2.2 Hereford and Worcester County Structure Plan

Policy H6A – Housing in Rural Areas
Policy CTC1 – Areas of Outstanding Natural Beauty
Policy CTC2 – Areas of Great Landscape Value
Policy CTC9 – Development Requirements

2.3 Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Areas of Great Landscape Value
Transport Policy 11 – Traffic Impact

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

H6 – Housing in smaller settlements
LA1 – Areas of Outstanding Natural Beauty

3. Planning History

MH78/2043 - Residential development. Refused 13.11.78.

NE2000/3192/O - Site for detailed dwelling and garage. Approved 9.3.01. (Now expired.)

NE2003/1610/F - Detached dwellinghouse. Refused 24.7.03.

4. Consultation SummaryStatutory Consultations

4.1 Malvern Hills AONB Officer confirms no objection.

Internal Council Advice

4.2 Head of Engineering and Transport: Recommends conditions relating to the access and parking facilities.

4.3 Chief Conservation Officer: Welcomes the amended plans but recommends conditions relating to the submission of further details.

5. Representations

5.1 Wellington Heath Parish Council: 'WHPC reiterates its recommendation that the following condition should be attached to any permission granted for development:

No planting, hedges, fences or walls should be permitted within 1.5m of the highway and a height restriction should be placed on any boundary treatment. WHPC recommends that Herefordshire Council request that the applicant provide safety refuges (e.g. hard-standings) for pedestrians within this 1.5m strip along the Horse Road part of the boundary, preferably via a Section 106 agreement.

Reason: To maximise the visibility around the dangerous bend and to ensure the safety of pedestrians on the most dangerous stretch of road.

Further WHPC supports the suggestion made by the resident of the neighbouring property, Mortar Cottage, that the proposed dwelling be positioned further north on the plot to minimise overlooking.'

5.2 Five letters of objection have been received from:

M McCleary and E Voyce, Mortar Cottage, Horse Road, Wellington Heath (2 letters)
R J Hurley, Dogberry Orchard, The Common, Wellington Heath
J & B Snell, Dogberry, The Common, Wellington Heath (2 letters)

The comments made on the amended plans are:

1) The revised design seems much more acceptable. However, we are still concerned that the retaining wall will be visible for much of the year.

2) The retaining wall should be finished in natural stone to reduce its impact.

3) The house will still be unnecessarily close to Mortar Cottage.

- 4) Although windows have been removed at first floor level the kitchen window will only be a few metres from the boundary.
- 5) The bulk of the rear of the house will be overbearing on Mortar Cottage and reduce light.
- 6) The natural contours of the site should dictate that a split level dwelling would be the best possible design for the site and adjoining dwellings.
- 7) We wish to retain the quiet and views that we have in this area designated as an AONB.

5.3 The applicant's agent has submitted the following:

- 1) Roof pitch reduced.
- 2) 1 3/4 storey height introduced.
- 3) House slab lowered.
- 4) Garage reduced to standard height.
- 5) Windows to rear first floor elevation removed.
- 6) Indicative terracing, landscaping and planting shown to mask drive and garage.

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 site is located within the settlement boundary of Wellington Heath as identified in both the Malvern Hills District Local Plan. Therefore the principle to develop the site is accepted. However, siting, design and landscaping are for consideration under this proposal. The access has been moved slightly but is supported by the Head of Engineering subject to appropriate conditions.
- 6.2 The dwelling is sited in the southern corner of the site approximately 5 metres from Mortar Cottage, but with a 1.8m high fence in between. The slab levels are being dropped by 0.9m, which further lowers the impact of this dwelling. Furthermore, the windows originally in the first floor overlooking Mortar Cottage have been deleted.
- 6.3 The design has been amended and the height and pitch of the roof reduced to further reduce the impact of this new dwelling. The lowering of the garage roof and providing a hipped roof further reduces the impact of the development. External materials proposed are brick under a double Roman roof tile, details of which will need to be submitted for approval and will be conditioned.
- 6.4 Finally, landscaping will be conditioned to be submitted prior to work commencing. Regarding the concerns of loss of light, it should be noted that the new dwelling will be located to the north of Mortar Cottage and accordingly will not block any direct sunlight.

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 - B01 (Samples of external materials)

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

4 - 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.

5 - G04 (Landscaping scheme (general))

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

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

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

7 - Prior to work commencing a slope stability report together with methods for the construction of buildings on the site including their foundations and any retaining walls shall be submitted to and approved in writing by the local planning authority.

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

8 - No ground reduction levels shall take place within one metre of the neighbouring boundary fence and 2 metres of the roadside hedge.

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

9 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

10 - H05 (Access gates)

Reason: In the interests of highway safety.

11 - H12 (Parking and turning - single house)

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

12 - H27 (Parking for site operatives)

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNE2004/1171/F - ERECTION OF A DETACHED DWELLING AND NEW VEHICULAR ACCESS TO MELROSE, AT MELROSE, THE CRESCENT, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6QN

**For: Ms K M Berry per Mr M E Sutton, Tantala ,
Redland Drive, Colwall, Malvern, WR13 6ES**

Date Received:
31st March 2004
Expiry Date:
26th May 2004

Ward:
Hope End

Grid Ref:
75460, 42570

Local Members: Councillors R Stockton and R Mills

1. Site Description and Proposal

- 1.1 This site forms part of the garden between Kings Close and Melrose, located on the north side of The Crescent, Colwall. The roughly rectangular plot of lands measures 5.5m wide at the front and 11m at the rear with a depth of 26m. The land presently forms the extended garden area to Melrose.
- 1.2 The proposal is to construct a 3-bedroom detached two-storey dwelling constructed of brick under a slate roof. Two parking spaces are proposed at the front. A new close boarded fence is proposed on the boundary of the plot with Kings Close. Drainage is to the public sewer.

2. Policies

- 2.1 PPG1: General Principles
PPG3: Housing

2.2 Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas
CTC9 – Development Requirements
CTC1 – Areas of Outstanding Natural Beauty
CTC2 – Areas of Great Landscape Value

2.3 Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Areas of Great Landscape Value

2.4 Unitary Herefordshire Development Plan (Deposit Draft)

H4 – Main villages: Settlement boundaries
DR1 – Design
LA1 – Areas of Outstanding Natural Beauty
Colwall Village Design Statement

3. Planning History

NE2003/2089/F - Erection of detached dwelling and new vehicular access. Withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 AONB Officer confirms no objection.

Internal Council Advice

4.2 Head of Engineering and Transport: Recommends conditions concerning the parking area.

5. Representations

5.1 Colwall Parish Council state: 'The proposed building is to be fitted into too small a parcel of land. The application would create a serious diversion from the current street scene. The proposed parking arrangement for Melrose does seriously compromise the street parking and in addition, access for emergency vehicles in what is already a very narrow street. The car parking spaces are of less than acceptable size. This application does make a serious impact on the sight lines of the surrounding properties. The plans do not show the close proximity of the conservatory attached to No. 2 The Crescent.

The application is also in conflict with the Village Design Statement, which states that any development, whether it is a new property, extension or addition to an existing building should:

- Allow sufficient space to be able to retain the open green effect, characteristic of the village and avoid overcrowding.
- Protect the distinctive views into and out of the village which are afforded with open spaces.
- These spaces provide important visual gaps that break up the linear development and are much valued by residents.'

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

- 1) Views will be blocked by the infilling of this green space.
- 2) This could set a precedent for further development.
- 3) There are existing dwellings for sale in the village. Why build more when others are not selling?
- 4) The access road, The Crescent, is narrow by modern day standards and causes problems. Another dwelling will increase parking on the road and take away the existing parking for Melrose. Furthermore, emergency vehicles will find it difficult to access The Crescent.
- 5) The style of the new home is unsuitable in terms of it blending in with the existing dwellings and is of poor design for this shoehorn site.

- 6) The density of dwellings within Colwall is one of the aspects that creates such a special living environment.
- 7) The development does not comply with the Colwall Village Statement as it does not allow sufficient space to be able to retain the open green effect characteristic in the village.
- 8) Noise and disturbance from building works would also be a problem.
- 9) The identified parking spaces are very narrow and not suitable.
- 10) With the exception of Melrose, all other dwellings are bungalows, and a two-storey dwelling will be out of place and contrary to the Malvern Hills District Local Plan.

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 is located within the settlement boundary for Colwall as identified in the Malvern Hills District Local Plan, where Housing Policy No. 3 supports development provided it is of a scale, character, and density to the area; adequate site conditions and services exist; satisfactory means of access and would not adversely affect neighbouring property. This policy is further consolidated by PPG3, housing policies in the Unitary Development Plan and Colwall Village Design Statement.
- 6.2 The character and design of the dwelling has been amended since its previous submission with the roof being hipped, bay window and porch added to the front together with windows having greater depth to compare with existing dwellings in Colwall. The design is therefore considered to be acceptable within this location.
- 6.3 The Head of Engineering and Transportation is satisfied that the access and parking facilities are acceptable and there are appropriate services to the site.
- 6.4 Concern has been raised regarding the development of an open space and this being contrary to the Colwall Village Design Statement. Firstly, this stance must be balanced against the guidelines of PPG3 that support the infilling and efficient use of land within settlements, particularly settlements that have good transport links and can provide sustainable developments such as Colwall. Secondly, the open spaces protection of the Village Design Statement does not prevail to domestic curtilages.
- 6.5 Finally, in order to protect the privacy of the adjoining neighbour, Kings Close, the applicant is proposing only a landing window at first floor level, which will be obscure glazed. The two ground floor windows will light the hall and utility and are likely to be screened by the new boundary fence.
- 6.6 The proposal is therefore considered to fully comply with the Development Plan and guidance laid down by PPG3.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - G01 (Details of boundary treatments)

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

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - H13 (Access, turning area and parking)

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNE2004/1771/F - AGRICULTURAL BUILDING AT
ORCHARD MEADOW, NEWTOWN, LEDBURY HR8 2UG**

**For: Miss P Hill and Mr A Mannion per Wall, James and
Davies 15-23 Hagley Road Stourbridge West Midlands
DY8 1QW**

Date Received:
13th May 2004

Ward:
Frome

Grid Ref:
61745, 45255

Expiry Date:
8th July 2004

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The application is for the erection of an agricultural storage building on land at The Orchard, Lower Eggleton. A previous application was refused under delegated powers on the 24th September 2003 under reference DCNE2003/2309/F.
- 1.2 This submission differs from the 2003 application in a number of ways. Principally, the siting and scale of the shed have been revised and the application is also supported by an independent agricultural planning appraisal.
- 1.3 Under the original scheme the shed would have been located in a position so as to be visible from neighbouring residential properties and public vantage points. The proposed siting is now located to the northern side of the existing copse, further from residential development and relatively unobtrusive in the wider landscape.
- 1.4 The overall length of the proposal has been reduced by 4.6 metres to 13.8 metres (45ft), with small reductions in the height to ridge and eaves.

2. Policies

2.1 Malvern Hills District Local Plan

Landscape Policy 1 – Development Outside Settlement Boundaries
Landscape Policy 7 – Agricultural and Forestry Buildings and Roads

2.2 Revised Deposit Draft UDP

Policy DR1 – Design
Policy E13 – Agricultural and forestry development

2.3 Hereford and Worcester County Structure Plan

Policy A3 – Agricultural Buildings

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

3. Planning History

DCNE2003/2309/F: Agricultural building for animals, feed and implements – Refused under delegated powers on 24th September 2003. The reasons for refusal were as follows: -

1. The development is sited in an isolated position within the landscape and is constructed from inappropriately coloured materials. As such the building is contrary to Policy A1 and A3 of the Hereford and Worcester County Structure Plan and Landscape Policies 1 and 7 of the Malvern Hills District Local Plan and advice contained within Planning Policy Guidance Note 7.
2. The development would also set a precedent for further buildings in the locality resulting in progressive erosion of the landscape character of the area contrary to the policies and guidance listed above.
3. The local planning authority is not satisfied that the development is reasonably necessary for the purposes of agriculture as required by advice contained in Planning Policy Guidance Note 7.
4. The intensified use of the existing access to serve the proposed development involving additional vehicles slowing down and making turning movements together with the presence of waiting vehicles on the carriageway of the adjoining road would be contrary to the interests of highway safety, Landscape Policy 1 of the Malvern Hills District Local Plan and condition 2 of planning permission reference NE2003/0095/F.

DCNE2003/0095/F: Retention of widened access and creation of enclosed loading area – Approved with conditions 28th February 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The Agency does not object to the proposed development although all washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA “Code of Good Agricultural Practice for the Protection of Water.”

Internal Council Advice

- 4.2 The Head of Engineering and Transportation has no objections to the application and considers the proposal acceptable for the following reasons:
- The building is for agricultural use only and is associated with an extant site use;
 - The applicants state that traffic movements may reduce due to [the] benefits of on-site storage – this is considered to be a reasonable assumption;
 - Newtown Cross signals are to be installed and operational by the end of July;
 - Newtown Cross now benefits from two mobile speed camera sites to enforce the 40mph speed limit.

5. Representations

- 5.1 Yarkhill Parish Council: Response awaited
- 5.2 Much Cowarne Parish Council (adjoining) comment as follows: "Much Cowarne Group Parish Council has no objection to this application provided the new building is screened from the A4103 by the small wooded area close to the site and that there is no further development on the site for residential use without a further planning application."
- 5.3 The Council for the Protection of Rural England objects to the proposal. It is noted that the building is smaller than that previously applied for and sited further away from the A417. However, concern is expressed at the implications of erecting a building where there are no permanent structures and the likelihood of expansion and further development pressure.
- 5.4 One letter of objection has been received from the owner of The Cottage, Newtown Crossroads, which adjoins the land in the ownership of the applicant. The main points raised are:
- a) the application should be refused unless there is real evidence of the enterprise as described;
 - b) the application will lead to a request for a house on site in connection with the use.
- 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 main issues for consideration in the determination of this application are as follows:
- (a) the principle of development in this location with regard to agricultural need and the impact upon the character and appearance of the surrounding area;
 - (b) the setting of a precedent for further development in the locality;
 - (c) access arrangements.
- 6.2 This application is a re-submission of an application refused under delegated powers. The reasons for refusal are set out in full under paragraph 3.
- 6.3 The applicant has sought to address each reason for refusal. The application is accompanied by an independent agricultural appraisal that concludes that the shed is reasonably necessary for the purposes of this enterprise. The holding comprises 11.5 hectares (28.67 acres), of which 7.41 hectares is grassland, the remainder split between orchard and woodland. The current farm policy is the production of traditional rare breed pork, rare breed lamb and hay for sale. At present there are 14 breeding ewes, 1 ram and their lambs, in addition to 5 breeding sows, 1 boar and their progeny.

- 6.4 Although the potential for further development pressure may arise as a result of expansion, the application under consideration must not be prejudiced on the basis that applications for unacceptable forms of development may ensue.
- 6.5 The isolated position of the building within the landscape formed one of the reasons for refusal of the original application. Subsequently the building has been moved approximately 60 metres to the east, where it will be screened from the southern and eastern aspects by the existing copse and mature hedgerows. In this location the building will not be visible from the A4103 and approximately 200 metres from the nearest residential property. Furthermore, the building has been substantially reduced in length from 18.4 metres to 13.8 metres. Small reductions have also been made to the height of the ridge and eaves.
- 6.6 The final reason for refusal made reference to the intensified use of the existing access from the A4103, and the detrimental impact that this would have upon highway safety. However, for the reasons set out at 4.2, the Head of Engineering and Transportation is of the opinion that the access arrangements are satisfactory. The agent asserts that increased storage capacity on site will in fact reduce the number of vehicular movements associated with the operation of the smallholding.
- 6.7 At present there exist two unused mobile homes on the site of the proposed shed. Should members be minded to approve the application, officers would seek to secure the permanent removal of these structures from the site.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - Prior to the commencement of development the mobile homes located on the site of the proposed shed shall be permanently removed from the holding.

Reason: To secure an enhancement to the character and appearance of the area.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The applicant is reminded that all washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water."

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNW2004/1404/M - VARIATION OF CONDITIONS 9 & 10 OF PLANNING PERMISSION NW2002/0573/M (OPERATING HOURS AND NOISE RESTRICTIONS). LEINTHALL QUARRIES, LEINTHALL EARLS, LEOMINSTER, HEREFORDSHIRE, HR6 9TR

**For: Johnstone Roadstone Ltd per Wardell Armstorng
Lancaster Building High Street Newcastle-under-Lyme
ST5 1PQ**

Date Received:

4th May 2004

Ward:

Mortimer

Grid Ref:

44263, 68035

Expiry Date:

29th June 2004

Local Member: Councillor Mrs L.O. Barnett

1. Site Description and Proposal

1.1 Leinthall Earls Quarry is approximately 0.5km north of Leinthall Earls, about 2km south-east of Wigmore and 2km east of the A4110. The nearest houses to the tarmac coating plant site are Church Cottage - 130m to the south east, West Lodge and Old School House, 220m and 240m respectively to the south. There are a further ten houses within 400m of the plant.

1.2 A quarry has been operational at this site since before 1955. Permission, with 23 conditions, was given for a large extension to the quarry in August, 2002. Conditions 9 and 10 of that permission controlled the hours of working and the maximum noise levels and from where they should be measured. The application is to vary these. Specifically, Condition 9 currently states:

“No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 0600-1800 Monday to Friday and 0600-1200 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, except that until 10th August 2004.

(i) the tarmac coating plant shall be allowed to commence at 0500 Monday to Saturday

(ii) on up to 6 occasions in each of the calendar years 2002, 2003 and 2004, the operation and the use of the tarmac coating plant and loading and despatch of vehicles on Sundays may be undertaken. A record of the date of such Sunday working shall be forwarded in writing to the Local Planning authority within 3 working days of each and every occasion of Sunday working.”

1.4 The application is to vary this condition to retain the daily commencement of the tarmac coating plant from 0500hrs and to operate its tarmac coating plant on up to 6 Sundays every year.

Condition 10 currently states:

“(i) The noise from the quarry operations shall not exceed 55dB LAeq 1h at the facade of all neighbouring residential properties (including farm houses) between the hours of 0600 and 1800, except during the Phase 1 soil, subsoil and overburden movement, when the maximum noise shall not exceed 70dB LAeq.1h except that

(ii) The level of noise emitted from the roadstone coating plant shall not exceed 42dB LAeq.1h between 0500 and 0600 Monday to Saturday, as measured at a distance of 60m from the plant, in a south-easterly direction towards the village of Leinthall Earls. All measurements are to be taken in accordance with BS 4142, 1997.”

1.5 The application is to vary part (ii) of the condition to read:

“(ii) the level of noise emitted from the roadstone coating plant shall not exceed 42dB LAeq, between 0500 and 0600 Monday to Saturday, as measured at the nearest residential property. All measurements are to be taken in accordance with BS4142, 1997.”

1.6 They also request that the averaging time should be set at 5 or 10 minutes, rather than 1 hour, on the grounds that it is practically impossible to collect a full hour of measurement in one hour measurement window between 0500 and 0600hrs and, at the same time, pause the measurement periodically due to birds, sheep or road traffic and that allowing a 5 or 10 minute averaging of noise measurement will allow for more accurate data to be obtained.

2. Policies

2.1 Planning Policy Guidance

PPG1 - General Policy and Principles

PPG24 – Planning and Noise

MPG1 - General Considerations (1996)

MPG2 - Applications, Permission and Conditions (Revised 1998)

MPG11 - The Control of Noise at Surface Mineral Workings (1993)

MPS2 - Controlling and Mitigating the Environmental Effects of Mineral Working:
Revised Consultation Paper (2003)

2.2 Hereford & Worcester Minerals Local Plan

Policy 15 - Maintenance of Environmental Standards

2.3 Leominster District Local Plan (Herefordshire)

A1 - Managing the District's Assets and Resources

A54 - Protection of Residential Amenity

2.4 Hereford UDP (Revised Deposit Draft)

S2 - Development Requirements

S9 - Minerals
DR4 - Environment
DR13 - Noise

3. Planning History

Five permissions for extensions to quarrying in 1955, 1959 (2), 1977 and 1982, effectively consolidated by Hereford and Worcester Code 407351 (Leominster 94/0529), granted 3rd May, 1996.

NW2002/0573/M - Extension to Quarry (imposing new conditions over entire site) granted 27th August, 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objections
- 4.2 Transportation Manager: No objection
- 4.2 National Trust: Orally – No objection

Internal Council Advice

- 4.3 Environmental Health Officer comments as follows:

“Condition 9

- Following the noise condition imposed in the 2002 consent, a series of noise attenuation works were undertaken to the roadstone coating plant in an attempt to meet the tight noise limit set by condition 10 to protect the nearest housing. When last asked to review this in early 2004, it was clear that some significant improvements had been made, but that the 42dB noise level at 60m could not be met.
- However, since the granting of planning permission in 2002, Environmental Health and Trading Standards have not received a complaint concerning the noise from the roadstone coating plant. If we assume that the plant has been operating from 0500 onwards Monday to Friday, you may wish to conclude that the level of noise attenuation work undertaken as a consequence of the 2002 consent has been sufficient to allow the operation without any serious detriment to the nearest houses.
- I am therefore minded not to object to the amendment suggested, although I would recommend keeping the consent temporary. This is because my noise measurements imply that the absence of complaint is dependent on the tolerance of the nearest neighbours and that this situation could change with the occupancy of these houses.
- I would urge you to retain the Bank Holiday, Saturday and Sunday restrictions.

Condition 10

- As mentioned above, the noise levels at this site have improved, although the requirements of condition 10 have not been met. In view of the absence of complaints, I would accept that this condition can now be reworded in accordance with MPG11, i.e.

“At a distance of 3.5m from the nearest façade of the nearest residential property, the noise level from the quarrying, roadstone coating and vehicle activities on site shall not exceed:

(i) 55 dBL_{Aeq,1hr} between 0700 to 1900 nor

(ii) 42 dBL_{Aeq,1hr} between 0500 to 0700

No noisy operations on site that will be audible at the nearest houses shall be permitted between 1900 to 0500.

Note: All measurements to be taken in accordance with BS 4142”.

- It is considered that this condition, or other similarly worded condition, should allow Johnston Roadstone to continue to operate competitively, whilst still affording noise protection to the amenity of the nearby rural community.

5. Representations

5.1 Aymestrey Parish Council state:

"This application should be refused, unless it can be proved that residents at Leinthall Earls have been contacted for their opinion. Council are aware of several complaints, though, to their knowledge, none have been submitted to Johnstone Roadstone Ltd. The increase in noise level and the wish to extend working hours to Sundays (although this has currently been the case) is not felt to be acceptable on a Sunday in a rural area."

5.2 Two letters of concern have been received from:

S Dawson and J Fieldhouse of
PearTree Farm, Wigmore, HR6 9UR; and

Mr. I.H. Pierce of
The Wylde, Leinthall Earls, HR6 9TU.

The first expresses concern that the extension of working hours will extend the time of vehicle movements, increasing noise impacts on the village, to the detriment of their business and the tourism industry.

The second claims that two Parish Councillors in Leinthall Earls have had complaints about noise starting as early as 4.00 am and that, because the company have not asked local people, their claim that no complaints have been made is stretching the truth. He also questions why the conditions were imposed and makes assertions about tree planting failures and that the Council did not adequately assess the original geological assessment.

5.3 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 This application is to vary two conditions on the existing planning permission. The proposed variation to Condition 9 would be for:

- a) the tarmac coating plant to commence at 0500 hours, Monday to Friday; and
- b) the tarmac coating plant and loading and despatch of vehicles to be undertaken on 6 Sundays per year.

6.2 Under the terms of the existing condition, these were permitted, as an experiment, up to 10th August, 2004.

6.3 The principal issues at stake are the balance to be struck between the interests of the applicant and the potential adverse effects to local people.

6.4 Members should be aware that the tarmac coating plant is quite separate from the main mineral (crushing) plant. It exists to create an “added value” to mineral dug at the site, providing coated roadstone for highway construction. It is the only such plant in Herefordshire (there is none in Worcestershire) and is regionally important. The market for the material is very wide.

6.5 The applicant has explained orally that it is necessary to supply developers with the material as early as possible in the day, particularly if the contracts to be met are some distance from the Wigmore area. Members should be aware that the permission applied for is only to operate the plant (to mix and heat the tarmac mixture) from 5.00am. The part of the condition preventing lorry movements before 6.00 am would be retained.

6.6 The request to allow Sunday working on up to 6 occasions every year is related to the same argument and, particularly, that the company would be at a commercial disadvantage if it could never offer this service. Sunday working was only undertaken on 3 occasions in 2003 and, to date, on 1 in 2004.

6.7 In the widest sense, National and Development Plan policies support the idea of enabling operators to meet market conditions, subject to the acceptable mitigation of any adverse effects.

6.8 The proposed variation to Condition 10 relates entirely to a technical issue of where and how noise limits should be assessed. The proposal is to leave the permitted noise limit from the tarmac coating plant unchanged at 42dB La eq, but to measure it from the nearest residential property over a shorter period, rather than, at present, at a specified distance (60m, which is well within the quarry itself) over a longer period.

6.9 Existing National Policy guidance is not clear over which is the recommended approach. In setting the existing condition, Officers used the more strict standards recommended in PPG 24, treating the tarmac plant as an independent industrial process. The applicant's case is, in essence, that the plant is an integral part of the quarry and should be assessed according to MPG11, which recommends measurement from the nearest noise-sensitive property and allows for periods “shorter than 1 hour,

e.g. 15 minutes”. Officers have consulted all other MPA’s and the few who have replied favour using MPG11, which supports the applicant’s case.

6.10 The Council’s Environmental Health Officer’s advice is that the application should be permitted in a qualified way and on a further, temporary basis. Officers believe that this should be sufficient to give the company the flexibility it wishes, whilst providing local people with the safeguard that the Council will be able to reconsider the operations in practice in a few years’ time.

RECOMMENDATION

1. That Conditions 9 and 10 in permission NW2002/0573/M, granted 27th August, 2002, be deleted and replaced by the following new conditions:

9. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 0600-1800 Monday to Friday and 0600-1200 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, except that, until 10th August, 2009:

- (i) the tarmac coating plant shall be allowed to commence at 0500 Monday to Saturday and**
- (ii) on up to 6 occasions in each calendar year, the operation and the use of the tarmac coating plant and loading and despatch of vehicles on Sundays may be undertaken. A record of the date of such Sunday working shall be forwarded in writing to the Local Planning authority within 3 working days of each and every occasion of Sunday working.**

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

10. At a distance of 3.5m from the nearest façade of the nearest residential property, the noise level from the quarrying, roadstone coating and vehicle activities on site shall not exceed:

- (i) 55dBL Aeq,1hr between 0700 to 1900hrs nor**
- (ii) 42dBL Aeq,1hr between 0500 to 0700hrs**

No noisy operations on site that will be audible at the nearest houses shall be permitted between 1900 to 0500hrs

All measurements to be taken in accordance with BS 4142.

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

2. That Officers named in the Scheme of Delegation to Officers be authorised to amend the other conditions on the permission as they consider necessary to reflect that the permission for mineral extraction has been commenced and that the wording of some conditions (e.g. A01 standard commencement) are no longer relevant.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

