

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 11th August, 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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Tel 01432 260248*

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AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 14th July, 2004..	1 - 10
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.	11 - 14
5. TREE PRESERVATION ORDER AT OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY To consider representations made in relation to a Tree Preservation Order for land at Oak Tree Cottage, Wellington Heath, Ledbury and to determine whether to confirm the Order. Ward: Hope End	15 - 18
Applications Received To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and 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. Agenda item 6 is an application deferred for site inspections at the last meeting and items 7 to 24 are new applications.	

6.	DCNW20041391F - LAND ADJACENT TO BARBERRY COTTAGE, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UB	19 - 26
	Erection of detached dwelling and ancillary two-bay garage.	
	Ward: Mortimer	
7.	DCNC2004/0182/F - DCNC2004/0183/L - BROOK HALL, 27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8BT	27 - 32
	Conversion to snooker hall and bar area and 4 flats.	
	Ward: Leominster North	
8.	DCNC2004/1529/O - RIDDLERS PLACE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE	33 - 38
	Site for erection of 8 dwellings.	
	Ward: Bringsty	
9.	DCNC2004/1799/F - CROFT COTTAGE, ULLINGSWICK, HEREFORD, HEREFORDSHIRE, HR1 3JQ	39 - 42
	Replacement dwelling with detached carport and storage.	
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10.	DCNC2004/1813/F - THE BEECH FARM, HAYNALL LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4BG	43 - 46
	Erection of steel frame part open-sided stock yard.	
	Ward: Upton	
11.	DCNC2004/1925/F - ROWDEN MILL STATION, ROWDEN LANE, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS	47 - 52
	Continuation of planning permission NC2003/1812/F, with alterations to some of the conditions.	
	Ward: Bringsty	
12.	DCNW2004/0885/F - FOREST LODGE, DARK LANE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ	53 - 56
	Two storey extension.	
	Ward: Mortimer	
13.	DCNW2004/1236/F - THE LIMES, NORTON CANON, HEREFORDSHIRE, HR4 7BP	57 - 64
	Agricultural worker's dwelling.	
	Ward: Castle	
14.	DCNW2004/1257/F - 27 LLEWELLIN ROAD, KINGTON, HEREFORDSHIRE, HR5 3AB	65 - 68
	Proposed single storey front extension.	
	Ward: Kington Town	

15.	DCNW2004/1479/F - DCNW2004/1486/L - LITTLE CROASE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9RZ	69 - 78
	Conversion of barn into dwelling and construction of new cottage.	
	Ward: Bircher	
16.	DCNW2004/1680/F - STAPLETON CASTLE COURT, STAPLETON, PRESTEIGNE, HEREFORDSHIRE, LD8 2LS	79 - 84
	Change of use from agricultural land to garden. To convert existing pitched roof barn to a lean-to range.	
	Ward: Mortimer	
17.	DCNW2004/1841/F - COURT HOUSE FARM, BYTON, PRESTEIGNE, HEREFORDSHIRE, LD8 2HS	85 - 92
	Potato store extension.	
	Ward: Mortimer	
18.	DCNW2004/1931/F - THE GREEN, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EQ	93 - 96
	Two storey extension and alterations to the existing dwelling.	
	Ward: Pembridge & Lyonshall with Titley	
19.	DCNW2004/1967/F - TODDEN COTTAGE, LOWER TODDING, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE	97 - 100
	Removal of existing extensions and two storey extension.	
	Ward: Mortimer	
20.	DCNW2004/2168/F - MOLEBANK COTTAGE, NEWTON LANE, KINGTON, HEREFORD	101 - 104
	Two storey extension to side and single storey extension to rear of dwelling.	
	Ward: Kington Town	
21.	DCNE2004/2166/F - 5 BROOKE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2UP	105 - 108
	Convert ground floor store into study with first floor extensions.	
	Ward: Ledbury	
22.	DCNE2004/1546/F - TRUMPET INN, TRUMPET, LEDBURY, HEREFORDSHIRE, HR8 2RA	109 - 112
	Removal of condition 3 on application no. NE2000/0505/F (to allow caravans to remain on the site between 01 November in any one year and 01 March in the succeeding year)	
	Ward: Frome	

23.	DCNE20041831F - PARKERS, MATHON, MALVERN, WR13 5NX	113 - 116
	Replacement annexe. Replacement garage with carport and garden store. Closure of existing access and new access form existing agricultural access. Landscaping	
	Ward: Hope End	
24.	DCNE2004/2156/F - DCNE2004/2157/C - SITE TO REAR OF THE ROYAL OAK, THE SOUTHEND, LEDBURY, HEREFORDSHIRE.	117 - 120
	Conversion of former workshop and construction of extension to form single dwelling	
	Ward: Ledbury	

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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, 14th July, 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, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, 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

28. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, PJ Dauncey and TM James.

29. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor	Item	Interest
Mrs LO Barnett	Agenda Item 9 – 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.	Prejudicial and left the meeting for the duration of this item.

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 16 June 2004 be approved as a correct record and signed by the Chairman subject to the following amendments:

- (a) Add the following to minute 4 (Minutes) - “Councillor Mrs L.O. Barnett asked the question of the Planning Officer what were the circumstances for setting aside the local plan and was advised that where there were material planning considerations involved”.
- (b) the inclusion of PJ Dauncey in the list of those present;
- (c) minute 3 (Declarations of Interest) - replace the word “prejudicial” with the word “personal” in the interest declared by Councillor JW Hope and replace 9 with 7 in

- the interest declared by Councillor R.M. Manning;
and
(d) minute 7 – DCNC2003/1895/N (Pilot Plan for Accelerated Composting of Organic Material for 5 Years at Wharton Court, Wharton, Leominster, Herefordshire, HR6 0NX) – add the words “in consultation with the Local Ward Councillors and the Ward Councillors of adjoining wards” in the resolution.

31. ITEM FOR INFORMATION - APPEALS

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

32. 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.

33. 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 (AGENDA ITEM 6)

The Principal Planning Officer reported that acceptable amended plans had been received from the applicant.

RESOLVED: That the 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) ('buildings are occupied', delete 'timetable to be agreed')

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

9.- A06 (Development in accordance with approved plans)

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

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

34. DCNW2004/0829/F - TWO STOREY EXTENSION AND CONSERVATORY AT RHODDS FARM, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3LW (AGENDA ITEM 7)

In accordance with the criteria for public speaking Mr Spreckley, the agent acting on behalf of the applicant spoke in favour of the application.

The Sub-Committee considered details about the application and took the view that because of the remote and concealed location of the dwelling, the proposed extension would not be detrimental to the area of Great Landscape Value. It was also felt that the proposed extension would enhance the existing dwelling rather than detract from it.

RESOLVED: That

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions and any other conditions felt to be necessary by the Head of Planning Services and subject to the Local Ward Councillor, being consulted, provided that the Head of Planning Services does not refer the application to the Planning Committee;**

- 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. B02 – Matching external materials (extension)

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

and

- (b) 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.)

35. DCNW2004/1391/F - ERECTION OF DETACHED DWELLING AND ANCILLARY TWO BAY GARAGE ON LAND ADJ TO BARBERRY COTTAGE, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UB (AGENDA ITEM 8)

The Sub-Committee felt that there was an advantage in holding a site inspection in respect of this application site and that two additional sites nearby which were due to be submitted to a future meeting of the Sub-Committee should also be visited at the same time.

RESOLVED: That consideration of the application be deferred for a site inspection and that the following sites also be inspected on the grounds that the character or appearance of the development itself is a fundamental planning consideration; and the setting and surroundings are fundamental to the determination or to the conditions being considered.

- (a) DCNW2004/2056/O – Demolition of Existing Dwellings and Out Buildings and Site for Construction of 3 Bedroomed Dwellings at Burnside, High Street, Leintwardine; and
- (b) DCNW2004/1841/F – Proposed Extension to Potato Shed at Court House Farm, Byton.

36. 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 (AGENDA ITEM 9)

Councillor J Stone was of the opinion that the application met the Council's criteria for tourism, there would be no adverse effect on the local environment and that such an enterprise should be encouraged in line with the Council's policies on economic development. He suggested that a suitable landscaping scheme could be delegated to the officers to agree with the applicant and that an agreement could be reached with the Environment Agency about acceptable drainage. He was of the view that the application should be approved because it complied with policies A2(D), A39 and A38.

The Head of Planning Services advised that there were key policy issues at stake regarding the application and it posed the threat of creating a new residential unit in the open countryside. There had also been no business case put forward in support of the application.

The Sub-Committee considered all the aspects of the application and a motion that approval should be granted for a limited period of 2 years was lost.

RESOLVED: 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).

37. 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 (AGENDA ITEM 10)

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)(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 and 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**

38. DCNE2004/0317/F - DETACHED DWELLING HOUSE ON PLOT AT HORSE ROAD, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LS (AGENDA ITEM 11)

The Principal Planning Officer referred to paragraph 5.2 of the report and said that 6 letters of objection have been received and not 5.

In accordance for the criteria for public speaking Mr McCleary and Mr Snell spoke against the application.

Councillors R Mills and R Stockton the Local Ward Members expressed a number of reservations about the application, particularly regarding the height and location of the proposed dwelling in relation to existing dwellings. It was agreed that these concerns should be raised with the applicants.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission after further negotiations with the applicants regarding location of the dwelling, materials, passing places, protection of trees; in consultation with the Local Ward Councillors and Chairman of the Sub-Committee 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 - 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.

39. DCNE2004/1171/F - ERECTION OF A DETACHED DWELLING AND NEW VEHICULAR ACCESS TO MELROSE, AT MELROSE, THE CRESCENT, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6QN (AGENDA ITEM 12)

In accordance with the criteria for public speaking Mr Sutton the agent acting on behalf of the applicant spoke in favour of the application.

Councillor RV Stockton, one of the Local Ward Members expressed reservations about the application, feeling that the type and location of the dwelling would be totally out of keeping with the existing residential development. He was also concerned that it could lead to similar applications which would exacerbate the problem and have a detrimental effect the character of Colwall by being out of keeping with the existing development there.

RESOLVED: That

(a) The Northern Area Planning Sub-Committee is minded to refuse the application because the proposal would be detrimental to the visual amenity of the area and accordingly contrary to Policy CTC9 of Hereford and Worcester County Structure Plan and Housing Policy 3 of the Malvern Hills District Local Plan and any further reasons for refusal felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee;

and

(b) 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.)

40. DCNE2004/1771/F - AGRICULTURAL BUILDING AT ORCHARD MEADOW, NEWTOWN, LEDBURY HR8 2UG (AGENDA ITEM 13)

It was reported that Yarkhill Parish Council had raised no objection to the application.

In accordance with the criteria for public speaking Ms Hill spoke in favour of her 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 - 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."

41. 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 (AGENDA ITEM 14)

RESOLVED: That

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.

The meeting ended at 3.18 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2004/0560/F**

- The appeal was received on 8th July 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs S Grist
- The site is located at 1 Upper Lodge, Monnington-on-Wye, Hereford HR4 7NL
- The development proposed is Demolish part of existing extensions and rebuild.
- The appeal is to be heard by Written Representations

Case Officer: Simon Withers on 01432-261781

Application No. DCNW2004/0996/F

- The appeal was received on 15th July 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 Border Oak Design & Cons. Ltd
- The site is located at Site adjacent to Quayfields, Shobdon, Leominster, Herefordshire, HR6 9NX
- The development proposed is Proposed demolition of existing industrial shed and silos and removal of concrete hardstanding. Erection of two storey dwelling and ancillary garage.
- The appeal is to be heard by Hearing

Case Officer: Simon Withers on 01432 261781

Application No. DCNC2004/1272/O

- The appeal was received on 20th July 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 Mrs J M Legge
- The site is located at 14 Meadow Court, Bromyard, Herefordshire, HR7 4UB
- The development proposed is Site for two semi-detached dwellings and car parking
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley on 01432-261956

Application No. DCNC2004/1269/O

- The appeal was received on 20th July 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 Mrs J M Legge
- The site is located at 14 Meadow Court, Bromyard, Herefordshire, HR7 4UB
- The development proposed is Site for detached house with car parking
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley on 01432-261956

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

Application No. DCNE2004/0369/F

- The appeal was received on 27th July 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 T Fuller
- The site is located at The Stables, Fromes Hill, Ledbury, Herefordshire, HR8 1HP
- The development proposed is Change of use of stables to holiday lets
- The appeal is to be heard by the Hearing procedure

Case Officer: Kevin Bishop on 01432-261803

APPEALS DETERMINED

Application No. DCNE2003/1864/O

- The appeal was received on 2nd 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 D H Quick
- The site is located at Rosemore, Wellington Heath, Ledbury, Herefordshire, HR8 1NB
- The application, dated 19th June 2003, was refused on 13th August 2003
- The development proposed was Site for two bungalows with garages.
- The main issues are: (a) the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty and a designated Area of Great Landscape Value; and (b) the living conditions of adjoining occupiers, with particular reference to any overlooking, loss of privacy and potential disturbance

Decision: The appeal was **DISMISSED** on 16th July 2004

Case Officer: Mark Tansley on 01432-261956

Application No. DCNE2003/2938/F

- The appeal was received on 10th 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 R White
- The site is located at Prancing Pony P.H., Stiffords Bridge, Cradley, Malvern, Herefordshire, WR13 5NN
- The application, dated 29th September 2003, was refused on 26th November 2003
- The development proposed was Change of use for the intermittent parking of 3 heavy goods vehicles associated with the operation of haulage business
- The main issues are the effect of the development on highway safety and the effect on residential amenity, having regard to relevant planning policies

Decision: The appeal was **DISMISSED** on 22nd July 2004

Case Officer: Mark Tansley on 01432-261956

Enforcement Appeal No. EN2004/0006/ZZ

- The appeal was received on 6th April 2004
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr W.R. White
- The site is located at The Prancing Pony Public House, Stiffords Bridge, Cradley, Malvern, Worcestershire, WR15 5NN
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use as car park and utility land used in association with the adjacent public house to a mixed use as car park and utility land used in association with the adjacent public house and use for the parking and operation of heavy goods vehicles"
- The requirement of the notice is: Stop using the land for the parking and operation of heavy goods vehicles
- The period of compliance is 90 days
- The main issues are the effect of the development on highway safety and the effect on residential amenity, having regard to relevant planning policies

Decision: The appeal was **DISMISSED** on 22nd July 2004

Case Officer: Mark Tansley on 01432-261956

Application No. DCNE2003/1505/S

- The appeal was received on 23rd October 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval for the siting, design and external appearance of development permitted under Class A of Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The appeal was brought by D T Philips
- The site is located at Baynhams Farm, Hereford Road, Ledbury, Herefordshire, HR8 2PX
- The application, dated 28th May 2003, was refused on 20th June 2003
- The development proposed was Proposed machine & fodder store
- The main issue is the effect of the proposed building's siting, design and external appearance on the countryside in the Area of Great Landscape Value

Decision: The appeal was **ALLOWED** on 22nd July 2004

Case Officer: Mark Tansley on 01432-261956

Application No. DCNC2003/2994/F

- The appeal was received on 19th 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 C. Williams
- The site is located at 107A, Bridge Street, Leominster, Herefordshire, HR6 8EA
- The application, dated 3rd October 2003, was refused on 4th December 2003
- The development proposed was Erection of a garage and new vehicular access
- The main issues are the effect of the appeal development, first, on the character and appearance of the Lower Bridge Street Conservation Area in which it is situated, and second, on road safety at the junction of the access and the public highway

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

Case Officer: Philippa Lowe on 01432-383085

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

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

TREE PRESERVATION ORDER AT OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY

Ward: Hope End

Grid Ref: 71313, 40718

Local Member: Councillor R. Stockton

1. Purpose

- 1.1 To consider representations made in relation to a Tree Preservation Order for land at Oak Tree Cottage, Wellington Heath, Ledbury and to determine whether to confirm the Order.

2. Order Description and Details

- 2.1 Minute 24, Northern Area Planning Sub-committee, 16th June 2004 resolved that a Tree Preservation Order be placed on two trees at Oak Tree Cottage, Wellington Heath. At the same time planning permission was granted for the demolition of Oak Tree Cottage and its replacement by three new dwellings. A condition was attached requiring measures to be taken to protect the trees, in particular those which are to be protected by the TPO.
- 2.2 The trees involved are a wild service tree (erroneously called wayfarer tree in the committee report) and an ash tree. They are both located on the Horse Road frontage of the development site.
- 2.3 The County of Herefordshire District Council – (Oak Tree Cottage, Wellington Heath, Ledbury, Herefordshire) Tree Preservation Order 2004 – No 510 was made on 17th June 2004, and served upon relevant parties.
- 2.4 The process of placing a Tree Preservation Order on trees has two stages. Firstly a Provisional Order is made. It then has to be confirmed after a period during which representations can be made.

3. Policies

- 3.1 Malvern Hills District Local Plan Landscape Policy 10 states: -

“Where necessary and appropriate the district council will use tree preservation orders to protect trees and woodlands. When considering the value of trees their visual importance in the landscape, their condition, and their contribution to nature conservation will form part of the assessment.”

4. Representations

- 4.1 A letter of support for the TPO has been received from Mr F. A. Eacock of 6 The Swallow, Wellington Heath, in which he states that he especially supports the order on the large ash tree.
- 4.2 A letter has been received from G. E. Aldrich of Jerpoint, 4 The Swallow, Wellington Heath expressing concern over the future safety of the ash tree if it is not lopped. The writer considers it could be a danger to the bungalows opposite.

- 4.3 A letter of objection has been received from Miton Ltd., the developers of the site. The grounds of objection relate to the ash tree which they consider “*contributes nothing to the amenity and setting of the Wellington Heath area, that it is completely unrepresentative of a specimen ash tree, and most importantly it is a safety risk to residents living opposite*”. They have no objection to the protection of the wild service tree.
- 4.4 In a further letter Miton Ltd. indicate their belief that the planning permission takes precedent over the TPO. They point to the fact that the planning permission granted on 16th June clearly showed the ash tree was not to be retained as it prevents the formation of the new entrance and roads to service the three bungalows. More importantly they advise that a tree specialist has inspected the ash and found fungal decay at the base together with black decay oozing through the bark up to one metre above ground level. Additionally there is evidence of thickening (elephants ear) in the main trunks below heavy lateral branches indicating significant stress on the trunk.

5. Officer appraisal

- 5.1 Both the ash and wild service trees were assessed under the Council’s amenity evaluation rating scheme for Tree Preservation Orders which is presently being piloted. They are of medium size and have average form; being on the roadside they are visible to the public; they are fairly suitable to the site and have some potential to increase further in amenity value. However, the influence of the trees within the wider setting is only slight and there are other trees in the vicinity that provide tree cover. The life expectancy at the time of the survey was assessed at between 15 and 40 years. Under this the two trees scored sufficiently to meet the benchmark rating and hence have a level of public amenity value for a Tree Preservation Order to be placed upon them.
- 5.2 In relation to whether or not the one tree is ‘representative of a specimen’ ash, this is only one factor within the amenity assessment. Hence of itself, this is insufficient for not confirming a TPO upon it.
- 5.3 A meeting on site with the developer concluded that it was not possible to implement the planning permission and retain the ash tree. Alternative access arrangements were investigated including whether less damaging road construction techniques could be utilised.
- 5.4 The issue relating to the safety of the ash tree is, however, of greater concern. The original inspection by the Council’s Arboricultural Consultant was carried out from the highway. At that time the site was extremely overgrown and it was difficult to gain access to the ash. The site has since been cleared of most vegetation and this has enabled a more detailed survey of the trees to be undertaken.
- 5.5 It is now evident that fruiting bodies of *Pholiota squarrosa* can be identified at the base of the ash tree. Although information on the type of decay this fungi causes on ash is not well documented, it is reported to cause root and butt rot. Given the location and type of both the fungi and the exudation, (“black decay oozing from the bark” as stated by Miton Ltd,) it is probable that the above are related. However, further costly investigation would need to be undertaken to substantiate such a conclusion.
- 5.6 The reactive thickening below the main union at 1m but mainly at 4m on the northern co-dominant stem is where the tree is reacting to mechanical and physiological

stresses of a weak bark included union by re-enforcing the weak area. This reactive growth has created the “elephants ear” effect. Given the location of the weak union, major branch failure is highly probable.

- 5.7 Although crown reduction work could reduce the effects of the above defects it is considered that such work would need to be relatively heavy. The heavy work would be detrimental to the visual amenity of the tree to the extent that its removal and replacement would be the best course of action.
- 5.8 Government guidance on making and confirming Tree Preservation Orders states that *“In the Secretary of State’s view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.”*¹
- 5.9 Accordingly the measured opinion from the Council’s Arboricultural Consultant now points to the poor condition and potential safety hazard of the ash tree and the need, in a residential area, to fell it.
- 5.9 A landscape scheme has still to be agreed for the development and this will provide the opportunity to replace the ash with one or more trees suitable to the site.
- 5.10 The condition of the wild service tree appears to be good.

RECOMMENDATIONS

THAT:

- (a) **the Tree Preservation Order no. 510 be confirmed with modification to remove reference to the ash tree.**

6 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

Ward:
Mortimer

Grid Ref:
41130, 69009

Expiry Date:
11th June, 2004

Local Member: Councillor Mrs. L.O. Barnett

Introduction

Members will recall this application was originally presented to the Northern Area Planning Sub-Committee on the 14th July 2004. At this Committee this application was deferred for a Committee Site Inspection, which was carried out on the 26th July 2004. This application is now returned to the Committee for determination.

Since this application was originally presented to Committee a letter has been received from the principal objectors, R. & A. Davies. The comments raised in response to the applicant's comments are noted in the body of this revised report. However, of particular note was the fact that this letter politely advised that Barberrry Cottage was in fact a Listed Building, not unlisted as the previous report, and indeed the previous historical application reports for this site, advise. This matter has been investigated and it would appear that the information relating to Listing available at the Development Control Section differs to that available to the Historic Buildings and Conservation Team in this instance. This matter has now been clarified and it is confirmed that Barberrry Cottage is indeed, a Grade II Listed Building. The report has been amended to reflect this and the application advertised in accordance with the consultation requirements for applications potentially affecting the setting of a Listed Building.

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

A18 – Listed Buildings

A21 – Development within conservation Areas

A24 – Scale and Character of Development

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 – No objection subject to a condition relating to drainage

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.

- 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 In response to the letter of response from the applicant to the letter of objection received from the objector to this development, Mr and Mrs Davies comments are as follows:

1. Barberrry Cottage is a Grade II Listed Building. This matter has been commented upon in the introduction but this error is kindly acknowledged and the information updated.
2. The building plot was bought at auction with detailed planning permission. We can assure all concerned that we did not place a single bid for it.
3. The design is of typical catalogue type and no more vernacular than the approved design
4. At no point has the applicant contacted us to discuss these plans.
5. No objection is raised to a dwelling being built, but we have serious concerns about the overwhelming effect of the new proposal.

- 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 and Listed Building 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 considered that the proposal will preserve the character and appearance of the Wigmore Conservation Area. The Listed status of Barberry Cottage is noted but it is not considered that the setting of this Listed building will be harmed by virtue of this proposed development.

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.

7. **Conclusions**

7.1 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:

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the scheme of delegation be authorised to approve the application, subject to the following conditions and any further conditions considered necessary by officers:

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

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

2 - B01 (Samples of external materials)

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

3 - 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)

Reason: 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.

17 -F18 (Scheme of foul drainage disposal)

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

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.

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

DCNC2004/0183/L – AS ABOVE

For: Mr. M. Roberts per Mr. T. Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire, HR9 5TJ

Date Received:
19th January, 2004

Ward:
Leominster North

Grid Ref:
49556, 59240

Expiry Date:
15th March, 2004

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

Introduction

These applications were deferred at the June meeting for further comment/appraisal by the Chief Conservation Officer. These have been received and reported at paragraph 4.3.

1. Site Description and Proposal

- 1.1 Brook Hall, a Grade II Listed Building, is located on the west side of Broad Street, between the restoration shop and Vicarage Street. It is in the Leominster Conservation Area and within a primarily residential area as shown on the Leominster Town Centre Inset Map in the Leominster District Local Plan. It is a two-storey building with attic rooms, faced in yellow brick under a Welsh slate roof. The building is vacant, the ground floor was last used by New Life Church, with vacant residential flat at first floor.
- 1.2 This application proposes the use of the ground floor as snooker hall and lounge bar. The upper floors are to accommodate 4 residential flats. The plans show that 4 car parking spaces are proposed along the side of the building fronting onto Vicarage Street.

2. Policies

- 2.1 PPG1: General Policy and Principles
PPG6: Town Centres and Retail Development
PPG15: Planning and the Historic Environment
- 2.2 **Leominster District Local Plan (Herefordshire)**

A2 – Settlement Hierarchy
A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A54 – Protection of Residential Amenity

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

HBA1 – Alterations and extensions to Listed Buildings
HBA3 – Change of use of Listed Buildings
HBA6 – New development within Conservation Areas

3. Planning History

98/0142 - Internal works. Approved 17.8.98.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Chief Conservation Officer:

'Character/ Architectural Importance:

Brook Hall is deceptive. At the rear is a long, early C20 hall and to one side there is a C19 addition. But the importance of Brook Hall is in the front portion that faces Broad Street.

Behind the early C20 brick facing lies a remarkable timber-framed, two-storey with attic, C16 house with a jettied cross wing to the north. A brief survey undertaken some ten years ago revealed that this is a quality building whose high status is shown by its close studding and chevron decoration on the north side which is now also hidden by a rendered covering.

The early floor plan, believed to be a ceiled hall with cross passage, is evident and much of the timbered structure remains. At first floor level, there is evidence of some remarkable and rare wall paintings one of which is partly visible behind a more recent covering of fibre-board. These paintings may well be part of a larger sequence, contemporary with the C16 house, waiting to be recovered.

A feature of the property is the open space of the loft which, with its jettied dormer that overhung the former Pinsley Brook, is thought to have been for the storage of goods. Given the quality of the house, its position in the town and its proximity to the Pinsley Brook, a man-made medieval watercourse, it is likely that Brook Hall was the home of a wealthy merchant. It is a rare and important survival of that period.

Later changes to the house are also of significant interest. One of the rear first floor chambers contains surprisingly complete C17 fielded panelling and a moulded fireplace. Features from an C18 fashionable 'makeover' include the plastering of internal floor beams, some of which contain decorative mouldings; moulded architraves, heavy six-panel doors and deep skirtings. All of these add distinction and character to the property.

Brook Hall is a property of great historical and architectural interest. In view of its status and of its surviving features, it is considered to be approaching the category of a two star rated building.

Impact of proposals.

While there is no concern in principle to the use of the C20 hall for snooker there is a strong and firm objection to the proposals for the older part of the property. Of major concern is the fact that proposals disregard the significance of the existing features and the existing plan form. This proposal will severely affect the special historical and architectural character of this house and is likely to destroy some of its special features.

The intention to remove the ground floor internal walls will obliterate the plan-form of this historic house. If permission is granted, the fact that this was a ceiled hall with cross wing to the north side will no longer be discernible and the cross passage relating to the hall will disappear. The C16 timbers and posts within the partitions will be removed, as will the C18 features. It is likely that the moulded plaster cornices will be damaged during the works. The proposed new doorway into Vicarage Street will also destroy important timber framing.

The significance of the plan form relating to historic buildings is recognised by PPG 15 (C58) which advises that '*The plan of a building is one of its most important characteristics. Interior plans and individual features of interest should be respected and left unaltered as far as possible*'.

The proposals for the second floor are also severely invasive. The two main upper chambers, in particular, will be heavily compartmented so that their significance will be radically reduced, if not destroyed. Timbers are likely to be removed during the process of providing new openings and of grave concern is the fact that the small panelled chamber is to be opened up, thus robbing the room of its completeness as well as removing the panelling. The wall containing the rare paintings is scheduled, inappropriately, to become a kitchen.

The importance of retaining original spaces and features within a listed building is made clear in PPG 15(C58) which advises that, '*Internal spaces, ...panelling, doors and doorcases, mouldings..... and wall-decorations are part of the special interest of a building and may be its most valuable feature*'.

The fact that the C18 work is more recent is not to be taken as an excuse to remove it. Once again PPG 15 (C5) advises that subsequent changes to a listed building, '*..are often of interest in their own right as part of the building's organic history*'. Generally, *later features of interest should not be removed ...*' C16 '

4.4 Environmental Health and Trading Standards: No objection.

5. Representations

5.1 Leominster Town Council: 'Recommend approval conditional upon there being no major alterations to the fabric or character of the building.'

5.2 17 letters of objection, including a petition with 37 signatories, have been received. The main points raised:

- a) This is not an appropriate location for a snooker hall.
- b) Noise nuisance.
- c) Unsociable behaviour.
- d) Inadequate parking.
- e) There are already enough snooker halls in Leominster.
- f) No need for another bar in the town.

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 Brook Hall is located within a primarily residential area as shown on Leominster Town Centre Inset Map in the Leominster District Local Plan. The ground floor of the building was last used as a place where people congregate. Uses included place of worship, day nursery and other group activities.
- 6.2 This application proposes a snooker hall within a large hall, which is at the rear of the building, and the front part of Brook Hall to be used as a lounge bar. The first floor and attic rooms are to be altered to provide 4 flats.
- 6.3 Generally snooker halls do not cause noise nuisance that would give rise to loss of residential amenity. While, it is acknowledged that there may be some unwelcome and undisciplined behaviour of patrons when leaving the snooker hall, it is not considered that this will lead to unacceptable disturbance. However, given the location of the building, it would not be unreasonable to restrict opening times to coincide with licensing hours. Further, a scheme of sound attenuation that would protect the residents of the flats from noise and activities of the bar and snooker hall would be reasonable.
- 6.4 Matters of competition with other snooker halls and other licensed premises in Leominster are not material considerations in the determination of this application.
- 6.5 The site's central location allows access to employment and local services by modes of transport other than car. While 4 car parking spaces are shown, this is considered acceptable in this locality. The site is close to a large public car park, coupled with the availability of public transport. Its close proximity to these facilities lends itself favourably to under-provision of parking, thereby creating a sustainable form of development.
- 6.6 To bring this building into alternative use will require the removal of internal walling. While, there is no in principle objection to the proposed uses the alterations proposed to bring this building into alternative use will adversely affect the historic fabric of this Listed building, and accordingly the recommendation reflects this.

RECOMMENDATION

That planning permission Listed Building consent be refused for the following reason:

- 1. It is considered that the proposal does not recognise or respect the special qualities of this Listed building. The alterations required to bring this building into alternative use are considered invasive so as to adversely affect and destroy its architectural and historic character. As such the proposal is contrary to Policy A18(D) of the Leominster District Local Plan (Herefordshire).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCNC2004/1529/O - SITE FOR ERECTION OF 8 DWELLINGS AT RIDDLERS PLACE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE

For: Mr. M. Clarke, Wall, James & Davies, 19 Hagley Road, Stourbridge, West Midlands, DY8 1QW

Date Received:
26th April, 2004

Ward:
Bringsty

Grid Ref:
70264, 63631

Expiry Date:
21st June, 2004

Local Member: Councillor T.W. Hunt

1. Site Description and Proposal

1. Ridders Place, a vacant employment site, occupied by unused buildings that are in poor condition, with industrial waste strewn about, is located in open countryside designated as being of Great Landscape Value and on the south-west side of the B4204.
- 1.2 The site was last used by Sam Shires, who repaired wooden pallets, and prior to that by Clarcon, who manufactured heavy duty castings - manhole covers, etc.
- 1.3 The site is on rising ground and a little under 1ha.
- 1.4 This is an outline application that proposes the demolition and replacement of the industrial buildings with 8 dwellings. The application reserves all matters except means of access for future consideration. The entrance onto the B4204 is to be altered to provide 4.5m x 90m visibility splays in both directions.

2. Policies

2.1 Malvern Hills District Local Plan

Landscape Policy 1 – Development outside settlement boundaries
Landscape Policy 3 – Development in Areas of Great Landscape Value
Employment Policy 2 – The retention of existing industrial land
Housing Policy 4 – Development in the countryside

2.2 Hereford and Worcester County Structure Plan

H20 – Development in the open countryside
CTC2 – Development in Areas of Great Landscape Value
CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

DR2 – Land use and activity
S1 – Sustainable development
S3 – Housing
H7 – Housing in the countryside outside settlements
E5 – Safeguarding employment land and buildings

3. Planning History

NC2004/1528/O – Erection of 26 houses. Refused 28.7.04.

MH2934/88 - Redevelopment of industrial site for residential purposes. Refused 13.12.88. Appeal allowed 22.2.90.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Forward Planning Officer: 'Development in the open countryside is not sustainable, contrary to national guidance at PPG1, PPG3 and PPG7, future national policies set out in draft PPS1 and PPS7, and the policies contained within both the Malvern Hills District Local Plan and the Revised Deposit Draft of the UDP.'

4.3 Head of Environmental Health and Trading Standards: 'The site has been used for metal works manufacture which could be a potentially contaminative use. Also there may have been issues of fly tipping and waste accumulation on site. In view of this, should planning permission be granted, I would recommend that a contaminated land planning condition be applied to the planning permission, requiring a desk study, site investigation and risk assessment, and remediation proposals if necessary, and validation of remediation (possible further monitoring) and results if required.'

5. Representations

5.1 Upper Sapey Parish Council: ' No objections but requests that any problems with drainage, light pollution and highway access should be investigated.'

5.2 Malvern Hills District Council would have no comments to make on the application. However, if the proposal of the development was considered to be acceptable and considering all other factors, the applicant may be encouraged to make a more efficient use of the site in accordance with the density levels proposed by PPG3 and they also seek to provide a range of housing types including the possibility of affordable provision.'

5.3 Objections have been received from:

Mr. and Mrs. M.C. Carter, Sunnyside Cottage, Rock Lane, Sapey Common

Mrs. L. Vowell, Holly Tree Cottage, Sapey Common

R.M. and D. Wattis, Tally Ho Cottage, Sapey Common

N. Sargent, Fields Cottage, Park Lane, Sapey Common

Mr. and Mrs. S. Aston, Rose Cottage, 3 Park Lane, Sapey Common

S. and P. Lees-Milne, Linehill House, Sapey Common

P.R.C. and J.P. Smith, The Camp House, Sapey Common

J. Hemingway, The Cottage, Sapey Common

D. & T. Johnson, Greens Cottage, Sapey Common

W. Dipple, 2 Rock Lane, Sapey Common

The main points raised are:

- a) The site has very poor access
- b) There is a working dairy farm close by - farm animals smells abound
- c) The area is notoriously difficult in respect of sewerage
- d) The area is a SSSI
- e) The site is located in open countryside where there is a presumption against housing development
- f) There is no local need for this proposal
- g) Unsustainable location - there are no shops, schools or employment available in the locality, meaning that people will need to use their cars
- h) The land should revert back to agriculture
- i) There is no street lighting or pavements in this area
- j) Threat to wildlife

5.4 The applicant's agent advises:

- a) This site started out its industrial life as a set of buildings where heavy castings were made - manhole covers, drains etc.
- b) Following complaint of noise and nuisance, an abatement notice was served by the former Malvern Hills District Council
- c) Previous application for housing on this site was allowed on appeal on 22 February 1990
- d) The site has been marketed for employment purposes but no interest has been shown
- e) The Minister for Housing, Keith Hill, advised his LPAs that they should consider residential redevelopment more favourably on brownfield sites
- f) This is a former employment site, a brownfield site, where redevelopment should be considered favourably

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

6. Officers Appraisal

6.1 This application proposes residential redevelopment of a vacant employment site, which is within open countryside designated as being of Great Landscape Value. There is a previous appeal decision allowing residential use on the site, which has now lapsed.

National Policy

6.2 The use of the site for employment purposes would classify the land as brownfield, as the land is previously developed. PPG3 (Housing) seeks to promote residential development on brownfield sites. However, PPG3 does not encourage the development of every brownfield site, and in these instances there is a need to protect the countryside from unnecessary and unwarranted unsustainable development. It is acknowledged that the demolition of the existing buildings on the site would enhance the appearance of this location, however this is not a sufficient reason to override District Plan policies and permit residential development in the countryside. Brownfield sites within rural areas should also be within sustainable locations and particular emphasis is placed on the importance of reducing the need to travel by private car.

This position has been upheld on appeal in other rural areas e.g. Kinnersley Garage and turkey units, Leys Lane, Bircher.

The supporting information is considered to be misleading; incorrectly implying that redevelopment of these type of sites is government policy. This is not so. The ministerial statement from Mr Keith Hill (17/7/03) has a strong theme of sustainable development and ensuring that new homes are built in the "right place", i.e. in sustainable locations. The site in Upper Sapey is not the sustainable location that this statement targets.

The latest Government guidance contained within Draft PPS7 states that:

"The replacement of non-residential buildings with residential development should be treated as new housing development, in accordance with the policies in PPG3 and, where appropriate, paragraph 11 of this PPS."

The cross reference to paragraph 11 reads:

"Isolated new houses in the countryside will require special justification for planning permission to be granted. For example, the need to enable farm, forestry or certain other workers who are essential for the effective and safe operation of rural-based enterprises, to live permanently at or near their place of work, may constitute special justification in this context..."

The statement reiterates the Government's aims to protect the open countryside and ensure sustainable development.

Malvern Hills District Local Plan

- 6.3 The site is located within open countryside. New residential development in this area is only permitted in exceptional circumstances. These are listed in Housing Policy 4. None of the criteria listed would permit new build residential development on this site.
- 6.4 Employment Policy 2 of the Malvern Hills District Local Plan seeks to protect existing employment land. The policy does however allow the redevelopment of sites provided the proposal meets the exceptional criteria as follows:

Nuisance to adjoining residential properties - the supporting information makes reference to a history of noise nuisance and a noise abatement notice has been served in the past. The number of properties actually affected is likely to be very low due to the countryside location. The site is presently unoccupied so there is no current noise nuisance, and future employment users may or may not cause problems. If however, an existing use were to be a source of complaints for a sustained period of time and have a history with the environmental health service, and they agree it is unfit, relocation of the existing business to a more suitable site may be permitted.

Relocation to an alternative site – *A suitable site should be found to ensure the business is not lost.* If new housing development were permitted under policy EMP2, the residential element would only be allowed as enabling development to fund the relocation and building of a new site elsewhere. As the site is not occupied or used for its established purpose, this point is irrelevant.

- 6.5 *Visual impact* – The key issue with this site is its visual appearance in its current form. The supporting information makes reference to the site being 'a complete and utter eyesore'. The site is within an Area of Great Landscape Value. It is acknowledged that the site is unattractive. However, improvements to the visual appearance of a site are

not considered sufficient on their own to override policies so as to permit residential development in the countryside.

- 6.6 In terms of the Unitary Development Plan (Revised Deposit Draft), paragraph 6.4.35 alongside Policy E5 highlights the importance of safeguarding employment sites in the countryside to assist rural regeneration. This approach is in line with guidance set out in PPG7. The paragraph also reflects upon the need to balance the benefits of retaining a site for employment use with the environmental, traffic or amenity conflicts. Policy E5 does not permit the loss of employment land unless there are "...substantial benefits to residential or other amenity...". As the site is not occupied the loss of the site would be of benefit to local amenity other than on purely aesthetic grounds. The future users of the site may or may not generate a significant amount of traffic or cause nuisance to local residents. The site is located within open countryside. New residential development in the open countryside is only permitted in exceptional circumstances. These are listed in Policy H7.
- 6.6 Retaining the site for employment uses would assist rural regeneration in line with PPG7. There is no existing occupier on the site that can cause nuisance to local residents and future users may or may not further nuisance. Past nuisance problems have little weight in determining a planning application on the site. A key issue with this site in its current form is the visual appearance within the AGLV. The supporting information is misleading by incorrectly implying that Government policy targets all brownfield sites. Although the site is in a bad state of repair, its redevelopment for residential dwellings would be contrary to both national and local policies, as it would constitute unnecessary and unwarranted unsustainable development in the countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The site is outside any village and development here would consolidate the scattered pattern of development in the Sapey Common area. As such, the proposal is contrary to Housing Policy 4 of the Malvern Hills District Local Plan and Policy H20 of the Hereford and Worcester County Structure Plan. These policies indicate that there is a very strong presumption against new housing in the open countryside.**
- 2 The site is a prominent one in an Area of Great Landscape Value, and it is considered that housing in such an isolated location would detrimentally affect the appearance of this area. The proposal is considered to be contrary to Landscape Policy 3 of the Malvern Hills District Local Plan and Policy CTC2 of the Hereford and Worcester County Structure Plan.**
- 3 The proposed development does not meet with any of the exceptions listed in Housing Policy 4 of the Malvern Hills District Local Plan to warrant a departure from the well-established and founded planning policies and if permitted would set an undesirable precedent for similar proposals which the Council would find hard to resist.**
- 4 In addition, the proposal is contrary to Employment Policy 2 of the Malvern Hills District Local Plan in that it represents a loss of an employment-generating use which cannot be justified through reference to the criteria contained within.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCNC2004/1799/F - REPLACEMENT DWELLING WITH DETACHED CARPORT AND STORAGE AT CROFT COTTAGE, ULLINGSWICK, HEREFORD, HEREFORDSHIRE, HR1 3JQ

For: Mr. A. J. Telford per Huf Tanglewood, Oxshott Road, Leatherhead, Surrey, KT22 0ER

Date Received:
17th May, 2004

Ward:
Bromyard

Grid Ref:
60373, 49690

Expiry Date:
12th July, 2004

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

1. Site Description and Proposal

- 1.1 Croft Cottage is located on the north side of the C1118 between Fairview, a replacement exposed timber framed dwelling, and Bleak House. The Three Crowns Public House, a Grade II Listed building, is further to the east. The site is located in open countryside.
- 1.2 This application proposes the replacement of Croft Cottage, a rubble stone cottage under a slate roof, with a 'HUF' house that will cross part of the footprint of the existing dwelling.
- 1.3 The proposed dwelling uses a post and beam construction technique with external elevation constructed in stained laminated timber under a tiled roof with large overhangs. The dwelling will have a ridge height of 7.1m, 3.9m to the eaves.
- 1.4 The entrance onto the C1118 is to be increased in width to provide a 5m wide access. The increase in width will require a small section of roadside hedge to be removed.

2. Policies

2.1 Malvern Hills District Local Plan

Landscape Policy 1 – Development Outside Settlement Boundaries
Housing Policy 4 – Development in the Countryside

2.2 Hereford and Worcester County Structure Plan

Policy H20 – Housing Development in the Open Countryside
Policy CTC9 – Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H7 – Housing in the Countryside Outside Settlements
Policy S2 – Development Requirements

Planning Policy Guidance Note 1 – General Policy and Principles
Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social development.

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency – no objection in principle

Internal Council Advice

4.2 Transportation Manager recommends conditions.

4.3 Chief Conservation Officer: Concern at non-traditional roof pitch and span and materials.

5. Representations

5.1 Ullingswick Parish Council comment as follows: 'The Parish Council strongly recommend a site visit by Planning Officers. There are concerns over the siting of the building, angled to the road. There are also concerns about the ultra modern design concept in open countryside. The design changes the planning line of the property. There should be a stipulation that the roadside hedge should have a minimum height of 2 metres. Four members of the public have objected strongly to the proposals, but are thought unlikely to commit their objections to paper. The Parish Council feels that careful consideration should be given to this development in such a rural area.'

5.2 Moreton Jeffries Parish Council comment as follows: 'The Parish Council of the Much Cowarne Group have no objection this application. However, adequate screening between the new house and its immediate neighbours should be provided using suitable trees and shrubs.'

5.3 Letters of objection have been received from:

Mr. and Mrs. Hodges, Bank Farm, Little Cowarne, Bromyard
Dr. J. Stevens, Fairview, Ullingswick
C.G. & J.E. Bayliss, Bleak House, Ullingswick

The main points of objection are as follows:

- a) The design is out of character with this rural setting
- b) The building is predominantly glass and light pollution is of significant concern
- c) The design is ultra modern for our surroundings

5.4 The following support the application:

Colin Simmonds, Nether Court, Stoke Lacy, Nr Bromyard
C. & M. Wilson, The Old Rectory Ullingswick

Mr. D. Horwood, The Pole Barn, Three Crowns Inn, Ullingswick

and consider this contemporary designed house is suitable to the area.

5.5 The applicant's agent advises:

HUF HAUS uses the post and beam construction method, which is over a thousand years old and has been established in Europe for many centuries. The innovation of the architecture lies in the efficient use of space, excellent craftsmanship and by using the best, environmentally-friendly building materials available today. It is the intention of the concept that the people who live in the house connect with the outside environment through the provision of glass and open floor plan. The outside environment becomes an integral part of the design concept.

As opposed to traditional handcrafted post and beam houses that require large mature timbers to achieve the correct post and beam thickness, HUF HAUS uses only laminated timbers from smaller trees from sustainable forests and therefore contributes to retaining the old growth.

Every HUF HAUS is a low maintenance house. The large roof overhang protects the house from the rain and the sun. The outside timber structure therefore needs only to be stained every five years. The doors and the windows never have to be painted again.

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

6. Officers Appraisal

6.1 Croft Cottage is located in open countryside where Housing Policy 4 of the Malvern Hills District Local Plan applies. While, there is a principle objection against housing development in this locality the policy does allow replacement dwellings that are comparable in size with existing buildings that have established residential use rights.

6.2 In terms of Housing Policy 4 the replacement of Croft Cottage is considered acceptable. The determining factor of this application is the size of the replacement building. The policy does not take into account design matters. Neither does the policy define comparable in size but a rule of thumb approach in terms of increase will be the existing volume and that which would have been permitted development in relation to the existing building. The proposed replacement dwelling will be bigger than the existing cottage. However, the position of the proposed dwelling will be set back from, and is screened from the adjoining road by a dense hedgerow which is shown to be retained. Further, mature trees on the site are shown to be retained. Notwithstanding the increase in size of the replacement dwelling, it is considered that it will be in an unobtrusive position so as not to cause significant harm to the locality.

6.3 The observations of the Chief conservation Officer are noted. However, given the lack of policy support for refusal of the proposal, the approval adjacent to the Kington Conservation Area of a similar proposal, and the fact that the materials are an integral part of the concept, it is not considered that an insistence on a slate roof is reasonable.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 4 - 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.

- 5 - No development approved by this permission shall be commenced until the scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

- 6 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**10 DCNC2004/1813/F - ERECTION OF STEEL FRAME
PART OPEN-SIDED STOCK YARD AT THE BEECH
FARM, HAYNALL LANE, BRIMFIELD,
HEREFORDSHIRE, SY8 4BG**

**For: Mr J Stinton, C.J. Didlick, Bwthyn Snead Common
Abberley, Worcestershire, WR6 6AF**

Date Received:

18th May 2004

Ward:

Upton

Grid Ref:

53932, 67802

Expiry Date:

13th July 2004

Local Member: Councillor J. Stone

1. Site Description and Proposal

- 1.1 The application relates to approximately 9 hectares of farmland on the north east side of Haynall Lane, C1051. The site rises away from the lane, and is located in open countryside.
- 1.2 This application proposes a single farm building, 31m x 15m, 4m to eaves and 7m to ridge, to be located alongside and similar in appearance to a recently constructed farm building. The lower walls of the building are to be constructed in concrete block with vertical timber cladding above, and through coloured fibre cement sheet roofing, colour grey/brown.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A2(D)(i) – Settlement Hierarchy
Policy A42 – Intensive Livestock Units

2.2 Hereford and Worcester County Structure Plan

Policy A3 – Construction of Agricultural Buildings
Policy CTC9 – Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy E16 – Intensive Livestock Units

- 2.4 Planning Policy Guidance Note 1 – General Policy and Principles
Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development

3. Planning History

NC2001/1734/F – Retention of hardstanding and earth bund for agricultural storage of hay/straw/silage bales – Approved 14th August 2001.

NC2002/0182/S – General purpose storage building. Prior Approval refused 12th February 2002.

NC2002/1173/F – Retention of farm office and steel containers for storage of animal feeds, tools and agricultural equipment. Refused 13th June 2002.

NC2002/1942/F – Approval of siting and design of agricultural building. Approved 7th November 2002.

NC2003/3175/F – Open sided stockyard. Refused 12th December 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objection in principle.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.
- 4.3 Chief Conservation Officer – Landscape comments as follows: ‘I have no objection to the stockyard but the line of the hedge and the plant species could be improved. I would recommend that a new hedge is planted in a straight line from the corner of the existing fence behind the application site, down to meet the lane at right angles. This will square up the field boundary and avoid awkward corners.’

5. Representations

- 5.1 Brimfield Parish Council comments as follows: ‘As per our previous comments regarding this site, no more development can be justified given the current acreage. It also appears that the hard standing will have to be extended to accommodate the building.’
- 5.2 A letter from Mr and Mrs Wilkes, Sparn Hill, Haynall Lane, Brimfield comment as follows: ‘So far as we can tell there appears to be nothing in the proposed building or in its setting to which we have objections either visually or otherwise.’
- 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 application has been submitted following the refusal of planning permission NC2003/3175/F when it was proposed to locate the building directly behind the existing farm building. The application was refused for the following reason:

“The site is located in an elevated position within open countryside. Within this location Policy A.9 of the Leominster District Local Plan (Herefordshire) requires that development should be sited so as to minimise its impact on the character of the area. The cumulative effect of the proposed building with the existing building would lead to a development that would be overly dominant in the landscape so as to have an adverse visual impact upon the surrounding area.”

This application proposes to locate the building alongside the existing building approved under reference NC2002/1942/F; the building will be of the same size, design and materials.

- 6.2 The siting of an agricultural building can have considerable impact on the surrounding landscape. PPG7 emphasises farm buildings should be assimilated into the landscape without compromising the function it is intended to serve. New buildings should normally form part of a group rather than stand alone, a point that is specifically mentioned in policy A3 of the Country Structure Plan and Policy A42 of the Leominster District Local Plan.
- 6.3 While officers consider the proposed siting of the building to be acceptable its impact can be further reduced by additional hedgerow planting as recommended by the Landscape Officer.
- 6.4 Although located in open countryside, the pattern of development along Haynall Lane consists of properties, including several farms, spaced out along the lane. The position of the building is considered within keeping with the pattern of development and to the local environment.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 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/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCNC2004/1925/F - CONTINUATION OF PLANNING PERMISSION NC2003/1812/F, WITH ALTERATIONS TO SOME OF THE CONDITIONS AT ROWDEN MILL STATION, ROWDEN LANE, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS

For: Mr. A.J. Wilkinson, 12 Orwell Road, Walsall, WS1 2PJ

Date Received:
11th June, 2004

Ward:
Bringsty

Grid Ref:
62651, 56669

Expiry Date:
6th August, 2004

Local Member: Councillor T.W. Hunt

1. Site Description and Proposal

- 1.1 The application site lies in an Area of Great Landscape Value to the north-west of the former Rowden Mill Railway Station and to the rear of and north-east of Station Cottage and Station House. Running parallel to the site is a driveway which gives vehicular access to the remainder of the land in the ownership of the applicant.
- 1.2 The application seeks a permanent approval for the use of an existing length of track (approximately 172m) for powered and hand operated rolling stock. There is currently subject to a temporary permission with restrictive conditions.

2. Policies

1.2 Hereford and Worcester Country Structure Plan

CTC.2 – Development in Areas of Great Landscape Value
CTC.9 – Development Criteria

2.2 Malvern Hills Local Plan

Landscape Policy 3 - Development in Areas of Great Landscape Value

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

LA2 - Landscape character and areas least resilient to change

3. Planning History

MH2092/83 - Conversion to form dwelling. Approved 21 November 1983

MH206/89 - Engineering operation involving the laying of ballast and railway track on short section of former Bromyard-Leominster railway line. Approved 9 May 1989.

MH1085/90 - Locate GWR coach body on ground at the Leominster end of station yard to be used for storage. Refused 17 July 1990.

MH91/0273 - The siting of a former GWR coach body built approx. 1898 on land forming part of the old permanent way at the Leominster end of the station yard. The coach body is less chassis and wheels. It is restore externally on track side. It would be used for storage purposes only i.e., agricultural equipment, railway track materials, assorted tools etc. Approved 9 May 1991.

MH92/1034 - The lifting of the restrictions in Part ii of Planning Permission MH 206/89. Refused 6 October 1992. Appeal dismissed 25 May 1993.

MH97/0628 - Modify condition 2 of existing planning permission MH 206/89 to allow use of headshunt for unloading and loading. Approved 12 August 1997.

N99/1924/F - Use of Headshunt for loading and unloading. Approved 23 September 1999.

NC2003/1812/F Removal of condition 2 of planning permission MH206/89 "No rolling stock shall pass to the north west of the line marked x - x on the plan hereby approved". Approved 1 September 2003

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations were required.

Internal Council Advice

4.2 Head of Engineering and Transportation: No objections.

4.3 Head of Environmental Health and Trading Standards has no observations.

5. Representations

5.1 Wacton Parish Council response:

Condition 1	Raise no objection
Condition 2	Support application to increase times at which the diesel shall operate from 2 to 4 days per calendar month. Not support any change in the number of days when the trolleys can operate and ask that this remain at 4 days per calendar month. To object to any increase in the hours of use, and ask that they remain as previously approved 2.00pm to 4.00pm.
Condition 5	To raise no objection
Condition 7	The conveyance of passengers during diesel days should be restricted to one per day per calendar month
Condition 8	To raise no objection
Condition 9	Not to support any change and that records and prior notification of the occasions referred to in 2 above continue to be given to the occupiers of Station Cottage and Station House in writing at least one week prior.

5.2 Bredenbury Parish Council's representations were exactly the same as Wacton Parish Council.

5.3 Bromyard Town Council: Voted not to make comment on this application

5.4 Letters of objection have been received in response to the proposed development from:

David and Rosemarie Sutton, Station Cottage
R.L. & M.J. Lawrence, Rowden Mill
Mr. I.D. and Mrs R.K. Lock, Station House.

The main concerns raised are:

- Nearby properties subject to noisy, dirty engines, trolleys and work gangs repairing and maintaining the track within yards of homes
- Proposal will result in extended period of disruption from 12.00 - 5.00
- Increased use of track is unreasonable, unjustified and unwarranted
- Current operations haven't been properly assessed
- Proposal represents significant increase in activities
- Additional items of rolling stock will add to noise and nuisance
- Increase visitors for site means home and gardens under continuous scrutiny
- Notification requirements should be retained as previously approved
- Use causes a deterioration in the quality of the environment of an attractive and tranquil part of the Herefordshire Countryside
- The application should be rejected, with a return to conditions laid down by previous council and Inspector in 1993.

5.3 Letters of support for the proposal have been received from:

Rev. Dr. S. Sheppard, 45 Hewitt Avenue, Kings Acre, Hereford
Judith S. Brown 62 St Clares Court, Lower Bullingham
Jenson Jones, Westfields House, Hereford Road, Bromyard
Mr. J. Pearson, Great Wacton Farm, Bromyard
Gerald Dawe for Rail for Herefordshire, P O Box 229, Hereford
D.M. Jones, The Manor, Bredenbury
Jane Jones, The Manor Farm, Bredenbury

The main points raised are:

- Can see no reason not to allow the application
- The proposal keeps the "Bromyard Branch" alive
- Enables schoolchildren to see historic railway and others to remember days of steam trains
- Site play important role in raising funds for local charities
- The restored railway is an important part of local heritage
- The diesel makes no more noise than a tractor or low flying aircraft - no more noise than one would expect from an agricultural area
- The applicant has kept to the regulations laid down by the council.
- No objections have been raised
- Minor changes, some for safety reasons, should be granted
- The proposed changes are reasonable

- 5.5 In response to concern, the applicant has replied that all permitted days have been utilised, and has included a schedule of suggested amended conditions. (These suggestions are reflected in the recommendation below.)
- 5.6 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration in determining this application are as follows:
- a) impact of the development on the character and appearance of this Area of Great Landscape Value
 - b) the impact of the development on the amenities of local residents

Character and appearance of the area.

- 6.2 The application site lies in an area of open countryside, recognised for its landscape quality by its designation in Malvern Hills Local Plan as an Area of Great Landscape Value.
- 6.3 The site is largely screened to longer distance views by existing mature hedgerows and trees, which mark the boundaries and are found adjacent to the site.
- 6.4 The maturity of the vegetation around the site is a material change since the last application in 1992. As such it is not considered that the proposal would result in demonstrable harm to the character or appearance of the area.
- 6.5 The impact of the proposed continued use of the 172-metre length of track is minimal in terms of any harm to the existing character and appearance of the wider landscape setting of the site.
- 6.6 To ensure that the impact of the development continues to be kept to a minimum the condition, previously imposed requiring a landscaping scheme to include retention of existing trees and hedges within the applicant's ownership, should be applied.

Residential amenity:

- 6.7 The letters of representation and points raised by the Parish Councils set out the concerns raised regarding loss of amenity, in particular by the two adjacent residential properties, in terms of adverse impact upon the quiet enjoyment of their homes and gardens. In planning terms, the protection of residential amenities is a material consideration.
- 6.8 The applicant was advised of the main areas of concern and negotiations have secured revisions to the proposed working arrangements at the site in accordance with the points raised and these will require the imposition of restrictive conditions.
- 6.9 On the basis of the existing rolling stock, limited use of the track would not cause demonstrable harm to residential amenities of those living adjacent to the site.

6.10 The differences now sought are set out below:

Condition 1: no longer temporary

Condition 2: 2 additional days per month for diesel operation, and allows Saturday use

Condition 5: allows use of an additional piece of rolling stock

Condition 7: previously no conveyancing of passengers on diesel days

Condition 8: use only as warning – previously not at all

6.11 It is therefore recommended that conditions are imposed limiting the number of days, times of use, type of rolling stock and preventing the use of whistles or hooters.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - The times at which the use hereby granted permission may take place shall be restricted to 4 days per calendar month for the diesel and 4 days per calendar month for the trolleys. There shall be no operations on Sunday or Bank Holidays and no operations on more than 2 consecutive days within any calendar week. The hours of use during the permitted period shall be restricted to 2.00pm to 4.00pm.

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

3 - No rolling stock shall be parked on the track the subject of this planning permission outside the operating times as detailed in condition 2 above.

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

4 - The type of rolling stock shall be restricted to the stock detailed in the schedule received on 4 August 2003 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

5 - No more than 4 pieces of rolling stock shall be used at any one time in conjunction with diesel days as set out in condition 2.

Reason: in the interests of the amenities of occupiers of adjacent residential properties.

6 - No more than one trolley shall be operated at any one time.

Reason: In the interests of the amenities of occupiers of adjacent residential properties.

7 - The conveyance of passengers during the diesel days shall be restricted to one per day per calendar month.

Reason: In the interests of the amenities of occupiers of adjacent residential properties.

8 - No whistles or hooters shall be used at any time on the site except as a safety warning.

Reason: In the interests of the amenities of occupiers of adjacent residential properties.

9 - A record shall be kept by the applicant of the occasions referred to in condition 2 above and prior notification of at least a week must be given to the occupiers of Station Cottage and Station House.

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

10 - G10 (Retention of trees) (add 'unless otherwise agreed in writing with the local planning authority.)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCNW2004/0885/F - TWO STOREY EXTENSION AT FOREST LODGE, DARK LANE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ

For: Mr & Mrs K Ellis per Mr D R Davies, 23 Charlton Rise, Ludlow, Shropshire, SY8 1ND

Date Received:
11th March, 2004

Ward:
Mortimer

Grid Ref:
40498, 74461

Expiry Date:
6th May, 2004

Local Member: Councillor Mrs. L.O. Barnett

Introduction

This application was originally put before the Northern Area Planning Sub-Committee on the 19th May, 2004. At this meeting it was resolved:

'That Planning permission be granted subject to the following conditions, and subject to further negotiations with Officers, the Chairman, and the local member, to address design issues.'

Discussions have been undertaken with the applicant but the design issues associated with the south west corner of the development, as raised by the Parish Council, is not an aspect of the development that the applicant was prepared to revise. The application is therefore returned to the Northern Area Planning Committee Sub-Committee unchanged, with the following report as per that submitted on the 19th May 2004.

1. Site Description and Proposal

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

2. Policies

2.1 National Policies

Planning Policy Guidance Note 1 - General Policy and Principles

2.2 Leominster District Local Plan

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

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

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

3. Planning History

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

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

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

5. Representations

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

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

- 5.3 Leintwardine Parish Council raised the following objection:

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

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

6. Officers Appraisal

6.1 The key areas for consideration are as follows:

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

Principle

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

Design and Scale

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

Residential and Visual Amenity

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

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

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

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

Turning to the properties further south, and the source of the neighbour objection to this scheme, the next closest property from the balcony is some 32 metres to the south. This distance is within acceptable limits and it is considered that the distance

is such that there will be no loss of privacy on The Griftins to justify the refusal of this application.

The impact upon residential amenity is therefore considered acceptable.

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

Informatives:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

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

**For: Mr. D. Palliser per Mr. A. Last, Brookside Cottage,
Knapton, Birley Herefordshire HR4 8ER**

Date Received:
5th April, 2004

Ward:
Castle

Grid Ref:
36777, 47888

Expiry Date:
31st May, 2004

Local Member: Councillor J.W. Hope

Introduction

This application was deferred at the meeting of the Northern Area Planning Sub-Committee on 16th June, 2004, with a resolution to seek a reduction in the size of the dwelling proposed in the planning application.

In response to the resolution, the applicant has reduced the overall floor area of the dwelling from the 198 sq. metres originally submitted to approximately 177 sq. metres. It remains a 3-bedroom dwelling but, as revised, it would have one ensuite bathroom, as opposed to three, with a bathroom now located off the landing rather than a sitting room as previously submitted.

At the time of writing, a further two letters of objection have been received from Mr Lovelace of Pool Cottage, Norton Canon, and from Mr, & Mrs, Marpole of Leys Cottage, Norton Canon. The concerns raised in their letters reiterate previous objections, but can be summarised as follows:-

- new brick building in small hamlet out of character and unjustified when there are 2 redundant traditional barns on site;
- barns are surely not essential for agriculture when they are shown on plans as intended for conversion to holiday/B & B accommodation;
- barns are not too expensive to convert;
- approval of this application will have significant implications for development throughout Herefordshire and engender cynicism in local people.

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.

Notwithstanding the responses and having regard to Members' previously expressed views in respect of the unacceptability of the potential to convert the existing barn and recent cases for agricultural dwellings, it is considered that the applicant has addressed the remaining issue of the commensurate size of the dwelling.

Accordingly, a revised recommendation is set out below. The original report and recommendation is set out as an appendix to this updated report for ease of reference.

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. E16 – Removal of Permitted Development Rights

Reason: To exercise control over further extensions to the dwelling in order to maintain its size, commensurate with the functional and financial needs of the enterprise.

5. E28 – Agricultural Occupancy

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

6. G04 – Landscaping Scheme (General)

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

7. G05 – Implementation of Landscaping scheme

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

8. H01 – Single Access – not footway

Reason: In the interests of highway safety.

9. H03 – Visibility Splays

Reason: In the interests of highway safety.

10. H12 – Parking and Turning (Single House)

Reason: In the interests of highway safety.

Informatives:**HN1 – Mud on Highway****HN4 – Private Apparatus within highway****HN5 – Works within the highway****HN10 – No drainage to discharge to highway****N15 – Policies A2(D), A9, A15, A24, A43, A54 and A70****Original Report****1. Site Description and Proposal**

- 1.1 The Limes comprises land and buildings located on the southern side of an unclassified road between Norton Canon and Norton Wood. The main complex of modern and traditional farm buildings is located close to the road and adjacent to its junction with Kittys Lane, which provides access to the A480 to the north.
- 1.2 The holding comprises approximately 56 hectares and is farmed as a mixed livestock enterprise with an annual stock level of some 400 lambing ewes and 75 calves with about 8 hectares of land used for arable production.
- 1.3 The land was purchased by the applicant, who has since secured temporary planning permission for a mobile home (recently renewed for a further year) and approval has been given to the erection and extension of modern farm buildings within the holding.
- 1.4 Planning permission is sought for the erection of a permanent dwelling which takes the form of a three-bedroomed, detached property with three ensuite facilities and a large landing/sitting area on the first floor, together with large reception hall, living/dining/sitting area, kitchen, farm office/study and utility room. The gross floor area of the property extends to some 198 sq. metres , including the farm office/study.
- 1.5 This application is a re-submission of a refused proposal relating to a site to the south-west of the main farm buildings and which included a large, detached garage. The siting as proposed is now closer to the established farm complex, in between the traditional and modern buildings.

2. Policies**Government Guidance**

2.1 PP67 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

Policy H.16A – Housing Development in the Open countryside

Policy H.20 – Housing Development in the Open Countryside Outside the Green Belt

Policy CTC.9 – Development Requirements

Policy A4 – Agricultural Dwellings

Leominster District Local Plan

Policy A1 – Managing the District's Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A15 – Development and Watercourses
Policy A43 – Agricultural Dwellings

Herefordshire UDP (Revised Deposit Draft)

Policy S1 – Sustainable Development
Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR2 - Land Use and Activity
Policy DR7 – Flood Risk
Policy H7 – Housing in the Countryside Outside Settlements
Policy H8 – Agriculture and Forestry Dwellings and Dwellings Associated with Rural Business
Policy LA2 – Landscape Character and Areas Least Resilient to Change

3. Relevant History

NW2004/0010/F - Agricultural Worker's Dwelling and detached garage. Refused: 1 March, 2004.

NW2003/1840 - Renewal of permission for temporary mobile home. Approved: 22 August, 2003.

NW2002/3205/F - Amendment to Planning Permission NW2000/1165/F from two buildings to one. Approved: 7 April, 2003.

NW2002/3150/F - Extension to farm buildings. Approved: 7 April, 2003.

NW2000/2333/F - Removal of railway embankment and return to agricultural land. Refused. Appeal allowed 27 April, 2001.

NW2000/1165/F - New farm buildings. Approved: 17 July, 2000.

NW2000/0965/F - Siting of temporary mobile home. Approved 12 July, 2000.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency raise no objection, but make comments regarding the principles of sustainable drainage, culverting of watercourses, foul drainage arrangements and waste excavation.

Internal Consultee Advice

- 4.2 Head of Engineering and Transportation raises no objection.
- 4.3 Head of Environmental Health and Trading Standards raises no objection.

- 4.4 Chief Conservation Officer comments that the site has been the subject of previous applications which have partly compromised the views of the Black Mountains from the bottom of Calver Hill. The dwelling will serve to further affect this stunning outlook, but it does relate better to new and proposed buildings and the preservation of the view itself is unlikely to be of sufficient concern to justify refusal.

5. Representations

- 5.1 A total of 6 letters of objection have been received from local residents, who raise the following concerns:-

- proposed new brick-built dwelling out of character with the area
- existing timber-framed barn is ideal for conversion
- application contradictory - timber-framed barn is mentioned as being used for agriculture, but on plans is shown as holiday accommodation
- if a house can be afforded, the conversion of this building can
- functional test fails in view of availability of property in the area
- income from farming business is overstated and appears to be funded from other income
- others have converted buildings in the area, why not the applicant
- dwelling must be tied to the agricultural business
- property will still be highly visible
- old barn no longer required with modern buildings having been constructed
- conversion costs no greater than new build costs
- overlooking of our property

- 5.2 Two letters of support have been received from the occupiers of Darkley House and Slate Cottage, Norton Cross

- 5.3 Norton Canon Parish Council state:-

"We accept the change to size and position, but have strong reservations of the mention to converting the nearby barn to holiday lets or B & B accommodation, which will require further consideration as an alternative."

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

6. Officers Appraisal

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

- a) The principle of a permanent dwelling to support the established farm enterprise; and
- b) The impact of the proposed dwelling upon the character and appearance of the site and surrounding area

Principle of a Permanent Dwelling

- 6.2 Annexe I of PPG7 sets out the guidelines against which proposals for permanent dwellings should be considered and clarifies that these should only be allowed to support existing agricultural activities on well-established agricultural units, providing:-
- (i) there is an established existing functional need;
 - (ii) the need relates to a full-time agricultural worker;
 - (iii) the agricultural activity on the farm unit has been established for three years and has been profitable for at least one;
 - (iv) the functional need could not be fulfilled by another dwelling on the unit or existing accommodation in the area, which is suitable and available; and
 - (v) other normal requirements, such as siting and access, are satisfied
- 6.3 Having regard to this particular proposal and setting it against the extensive planning history of the Limes site, it is considered that the key functional and financial tests established by Annexe I of PPG7 have been satisfied. There has been significant investment in new farm buildings since the temporary permission for the existing mobile home was granted in July, 2000. It has also been shown that increases in the ewe flock to 400 lambing ewes, the introduction of a small suckler herd with six cows and calves together with acceptance into the Countryside Stewardship Scheme have all occurred, which are all indicators of a well planned and steadily growing enterprise. This steady increase is reflected in the profitability of the farming activities, which have grown since 2000 and accord with the basic requirements of PPG7.
- 6.4 In this case, it is clear that the potential availability of dwellings in the area and the status of the timber-framed barn on the site are material considerations, which require very careful consideration. A number of concerns have been raised locally and detailed information has been supplied regarding a number of properties which have been available for purchase or rent in the Norton Canon area over the past 9-12 months. In response to this, the applicant has reaffirmed his assertion that, at lambing time, it is vital to be very close at hand to deal with emergencies and satisfy animal welfare legislation and, as such, a significant number of the dwellings suggested would be too far away from the established need. Furthermore, it is advised that the budget for providing the permanent dwelling is between £100,000 and £150,000 and all the properties that have been on the market have exceeded this budgetary constraint. In essence, the cost implications are a material consideration and, since a functional need has been established, albeit on a temporary basis within the holding itself, it is not considered that there is a justification to refuse planning permission in respect of the dwellings that have been on the market in the surrounding area
- 6.5 Far more significant in your officers' view is the potential for converting the timber-framed barn, which is clearly well placed to meet the functional needs of the enterprise. The applicant indicates that this building is still used for agricultural

purposes, providing storage for hay and straw and accommodating sheep during the lambing period. It is further submitted that the approximate cost of converting the barn would be £200,000, which is beyond the current budget of the applicant. However, it is a clear intention of the applicant to seek permission to convert the building to tourist accommodation in the future and observations indicate that the building could be retained through conversion. The expansion of the modern farm buildings would facilitate the shifting of activities currently operating from the timber-framed barn and, as such, it is not considered that this would be critical to the ongoing viability of the enterprise.

- 6.6 At this stage, it is considered that to allow a new dwelling when there is a reasonable opportunity to convert an existing building for residential use would be premature and that, in this context, the granting of a further temporary permission for the mobile home to allow further funds to be raised would be an acceptable compromise, necessitating the refusal of this application. The weight one attaches to this is a matter of opinion, but it is a relevant material consideration and one which has been afforded weight in this recommendation.
- 6.7 On a final issue, the guidance set out in PPG7 requires the scale of the dwelling to be commensurate with the needs of the enterprise. Although the floor space linkage between the size of the agricultural dwellings and local needs affordable housing has been severed in respect of policies contained in the Herefordshire Unitary Development Plan (Revised Deposit Draft), it is considered that, as proposed (198sq.metres), the dwelling is too large and its future affordability would be questionable on this basis.

Impact on Character and Appearance of surrounding Area

- 6.8 The re-siting of the dwelling has brought it into the area between the traditional and modern farm buildings and significantly reduced its visual impact, as well as reflecting more closely the pattern of development in the area. The scale of the dwelling is a concern with respect to the need to ensure it is commensurate in size with the farming enterprise but, in this case, it is not felt that there would be a wider landscape impact.
- 6.9 The design and use of materials is a matter which is relevant within this sensitive, rural landscape but, on balance, the harm in this area characterised by a mixture of materials, including brick, stone render and slate, is not considered to be sufficient to warrant the refusal of planning permission.

RECOMMENDATION

That planning permission be refused for the following reason:-

(1) The proposed dwelling, in view of its overall size, would not be commensurate with the established functional requirements of the holding and, furthermore, the existing timber-framed barn could be converted to meet the functional need. Accordingly, the proposal would fail to meet the tests set out in Annexe 1 of Planning Policy Guidance Note 7 - The Countryside - Environmental Quality and Economic and Social Development, and would also be contrary to Policy A43 of the Leominster District Local Plan (Herefordshire).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

For: Mr M Traylor per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB

Date Received:
6th April, 2004

Ward:
Kington Town

Grid Ref:
29645, 56905

Expiry Date:
1st June, 2004

Local Member: Councillor: T.M. James

Introduction

This application was originally put before the Northern Area Planning Sub-Committee on the 16th June, 2004. At this meeting it was 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:'

On the 12th July, 2004 a letter was received from the agent for the applicant, advising that no compromise agreement had been met. It was requested that the application be determined on the basis of the scheme previously placed before members. The application is therefore returned to the Northern Area Planning Committee Sub-Committee unchanged, with the following report as per that submitted on the 16th June, 2004.

1. Site Description and Proposal

- 1.1 This application seeks consent for the erection of a single-storey, front extension at 27, Llewelin Road, Kington. The existing dwelling house is a two-storey terrace dwelling, with a small, flat-roof porch to the front. The site is located within the settlement boundary of Kington.
- 1.2 The proposal involves the erection of a single-storey, mono-pitched addition between the existing porch and the boundary with neighbouring property, Number 29.

2. Policies

2.1 PPG1 - General Policy and Principles

2.2 Leominster District Local Plan

A1 - Managing the District's Assets and Resources

A2(A) - Settlement Hierarchy

A24 - Scale and character of Development

A54 - Protection of Residential Amenity

A56 - Alterations, Extensions and Improvements to Dwellings

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

S1 - Sustainable Development
S2 - Development Requirements
H4 - Main Villages - Settlement Boundaries
H18 - Alterations and Extensions
PPG1 - General Policy and Principles

3. Planning History

DCNW2004/0553/F - Erection of front conservatory
Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

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

5. Representations

5.1 A single letter of objection has been received to this proposal from the following source;

Mr, & Mrs, Williams, 29, Llewelin Road, Kington

The objections raised can be summarised as follows:

1. Loss of light to seating area to front of property
2. Loss of light to front room (sitting room)
3. Loss of outlook from front room (sitting room)

5.2 Kington Town Council: Kington Parish Council raised no objection.

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

Principle

6.1 The Leominster District Local Plan accepts the principle of extending residential properties in situations such as this. Notwithstanding this, development plan policy requires that any proposal must be assessed and considered acceptable in relation to issues such as design, scale, residential and visual amenity, transportation and environmental impact.

Design and Scale

- 6.2 A front extension in a suburban setting can represent an incongruous feature. In this situation, however, the addition is not only of a modest size, but it also reflects the design appearance of the porch attached to the front of the neighbouring property, number 29. Therefore, although the addition is an extension to a habitable room, it nevertheless integrates with the existing street scene. In fact, a degree of design variety is found in the wider area and, as such, it is not considered that this addition constitutes an incongruous feature. The addition will integrate into the existing dwelling house and is of appropriate size for the relatively prominent location. The design and scale are therefore considered acceptable.

Residential and Visual Amenity

- 6.3 The principal concern with this proposal is the impact of the addition upon the attached neighbouring property, number 29. Although there is no right to a view or "right to light" as such, the impact upon light to a habitable room and the overbearing impact of a development is a material planning consideration. In this instance, the concern relates to the loss of light and overbearing impact caused to the front room of the affected neighbour. Whilst a degree of light loss will occur to this room, it is not considered to be to an unacceptable extent. The addition projects only by 1.8 metres and this is not considered sufficient to represent an overbearing impact. In addition, the addition meets the 45 degree test, suggesting the loss of light will be within acceptable limits. Of further consideration is the fact that the front elevations are south facing; therefore it is only the afternoon sun that is impacted upon by virtue of this addition, with the morning sun only lost because the occupiers of number 29 themselves have extended to the front of their property. The "tunnel" effect to the room in question is therefore equally the result of the occupiers of No 29's own development. It is considered unreasonable to refuse this application on the basis of impact upon this neighbour alone, particularly when the impact itself is considered acceptable and the impact is only of such concern by virtue of the objector's own development. An additional factor for consideration is the fact that either party, causing no less an impact than this current proposal, could erect a 2 metre high fence on this boundary. No other properties will be harmed by this development and, as such, the impact upon residential amenity is considered acceptable.
- 6.4 By virtue of the similar addition to the front of the neighbouring property, together with the design and siting factors, it is considered that the impact upon visual amenity will be acceptable.

RECOMMENDATION

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

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

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

- 2 - 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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCNW2004/1479/F - CONVERSION OF BARN INTO DWELLING AND CONSTRUCTION OF NEW COTTAGE AT LITTLE CROASE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9RZ

DCNW2004/1486/L – AS ABOVE

For: Mr. & Mrs. M. Beeden per Mr. N. La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE

Date Received:
23rd April, 2004

Ward:
Bircher

Grid Ref:
44399, 61606

Expiry Date:
18th June, 2004

Local Member: Councillor W.L.S. Bowen

1. Site Description and Proposal

- 1.1 The application site comprises a 0.2 hectare plot on the north side of the B4360 (North Road). The main feature of the site is the substantial Grade II listed barn which occupies an attractive setting within well maintained gardens in front and orchard land to the rear.
- 1.2 The site lies wholly within the settlement boundary of Kingsland and is also within the Conservation Area.
- 1.3 To the west of the site is a modern dwelling (Plovers Moss), the boundary with which is defined by a tall, coniferous hedge, within which are a number of mature trees. The southern boundary with the highway is again characterised by a coniferous hedge, which sits on top of a low retaining wall. The eastern boundary of the site comprises the existing shared access used by residents living at Little Croase and more coniferous planting, which screens the site from the car park associated with the doctors' surgery. The northern boundary again comprises mature hedgrows, beyond which lies agricultural land.
- 1.4 Planning permission is sought for the conversion of the listed barn into a 4-bedroom dwelling, the erection of a detached cottage on the orchard land, together with two detached, double garages to serve the proposed new dwellings. A new access and driveway running along the western boundary of the site is proposed, entailing the removal of a section of walling and hedgerow from the road frontage and some ornamental garden plants.
- 1.5 A listed building consent application has been submitted alongside the planning application, which deals specifically with the works to the barn. In addition, a Structural Appraisal and an Ecological Report have been prepared to accompany the applications.

2. Policies:**2.1 Hereford and Worcester County Structure Plan**

CTC9 - Development Requirements
CTC11 - Trees and Woodlands
CTC13 - Conversion of Buildings
CTC15 - Conservation Areas

2.2 Leominster District Local Plan (Herefordshire)

A1 - Managing the District's Assets and Resources
A2(C) - Settlement Hierarchy
A5 - Sites Supporting Statutorily Protected Species
A8 - Improvements to or Creation of Habitats
A16 - Foul Drainage
A18 - Listed Buildings and Their Settings
A21 - Development within Conservation Areas
A22 - Ancient Monuments and Archaeological Sites
A24 - Scale and Character of Development
A54 - Protection of Residential Amenity
A55 - Design and Layout of Housing Development
A70 - Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 - Design
DR2 - Land Use and Activity
DR4 - Environment
DR13 - Noise
H4 - Main Villages - Settlement Boundaries
LA3 - Setting of Settlements
LA5 - Protection of Trees, Woodlands and Hedgerows
NC5 - European and Nationally Protected Species
HBA1 - Alterations and Extensions to Listed Buildings
HBA3 - Change of Use of Listed Buildings
HBA4 - Setting of Listed Buildings
HBA6 - New Development within Conservation Areas
ARCH5 - Sites of Regional or Local Importance
ARCH6 - Recording of Archaeological Remains

3. Planning History

3.1 None relevant.

4. Consultation SummaryStatutory Consultations

- 4.1 Welsh Water object on the grounds that the proposed development would overload the existing public sewerage system.
- 4.2 Subsequently, the applicant has provided details of a private sewage treatment package, which has been confirmed as acceptable by the Building Control Manager.

Internal Council Advice

- 4.3 Head of Engineering and Transportation raises no objections, but recommends conditions relating to the access visibility and setting back of any gates.
- 4.4 Chief Conservation Officer raises no objection in terms of the impact of the proposals upon the character and setting of the listed barn or the Kingsland Conservation Area. Details relating to materials and boundary treatments are requested by way of condition.
- 4.5 The presence of bats and nesting birds was identified by the Council's Ecologist and has resulted in the submission of a report incorporating compensation and mitigation measures for the protected species identified.
- 4.6 The archaeological interest of the site is noted and no objection in principle raised, subject to a condition requiring an evaluation to be carried out prior to the commencement of any development approved.

5. Representations

- 5.1 One letter of objection has been received from Mr. & Mrs. Price of Plovers Moss, Kingsland, raising the following concerns:-
- adverse effect on conservation area, generating a considerable amount of traffic close to a busy crossroads;
 - new access gives cause for highway safety concerns;
 - new access and driveway detrimental to privacy, particularly if fences and hedgerows are removed;
 - conversion of barn would result in overlooking and loss of privacy to our property;
 - a number of established trees would be lost to create the driveway.

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.

- 5.2 Kingsland Parish Council raise no objection.

1. Officers Appraisal

- 6.1 The whole of the application site lies within the settlement boundary for Kingsland and, as such, Policy A2(C) of the Local Plan establishes the acceptability of small scale residential development, subject to consideration in respect of more specific policy requirements.
- 6.2 The key issues for consideration in the determination of these applications are as follows:-
- (a) Impact upon the character and appearance of the Grade II listed barn;
 - (b) Impact upon the character and appearance of the Kingsland Conservation Area;
 - (c) Effect of the proposal upon the residential amenities of neighbouring occupiers;
 - (d) Highway safety and access issues;
 - (e) Ecological issues; and
 - (f) Drainage

Impact on Listed Barn

- 6.3 The principal of the residential conversion of the listed barn is considered an acceptable one and, as such, the remaining issues relate to the impact of the works to the building upon its character and appearance and the implications for its setting in the light of the new development proposed within the curtilage.
- 6.4 The listed barn, by reference to the submitted Structural Appraisal, is certainly in need of attention, requiring under-pinning and stabilising through the construction of additional buttresses and internal bracing which, it concludes, would be possible without significant rebuilding, a prerequisite of supporting conversion works. The building, by virtue of its listed status, is clearly worthy of retention and through negotiation, the design of the conversion has been refined to one which generally preserves its character and appearance. The design requires further modification, in order to limit the number of new roof-lights proposed and deal more appropriately with the full height opening on the north elevation and, as such, any determination to approve these applications would be subject to receipt of suitably amended plans.
- 6.5 The siting and design of the proposed new cottage and detached garaging is such that the principal view of the barn from North Road will not be affected and the positioning of the proposed new driveway to the side of the barn further limits the introduction of development into the mature, landscaped frontage of the barn. In view of the residential context of the barn, the implications for its setting are modest and generally in keeping with character of development in the immediate vicinity of the site.
- 6.6 Subject to some fairly minor design revisions, it is considered that the proposed development will preserve the character and setting of the listed barn, in accordance with the requirements of Policy A18 of the Leominster District Local Plan.

Impact on Conservation Area

- 6.7 The wider implications of these applications include an assessment of the effect of creating the new access and driveway, together with the implications for constructing a new dwelling with associated garaging on the orchard area to the rear.
- 6.8 The removal of approximately 6 metres of low stone walling and coniferous hedgerow is required to form the new access, neither of which is actually protected by Conservation Area controls, and the weight that can be attached to this particular aspect of the proposal is therefore somewhat limited. Furthermore, in recognition of concerns raised locally, it has been determined that there is no other feasible alternative to providing access to the rear, in view of the limitations of land ownership associated with the existing access serving Little Croase.
- 6.9 The new driveway would result in the removal of a number of less mature and ornamental trees within the existing garden area, but the common boundary hedge and trees within it will be retained, providing a strong, largely evergreen screen from the property to the west (Plovers Moss).
- 6.10 Kingsland has a largely linear settlement form, comprising a range of historic and modern dwellings, located within spacious plots with large, rear gardens and, in a number of cases, such as at Stoneleigh in recent times, Orchard Close and Tudor Place, these areas have been exploited to provide opportunities for residential infill. The proposal, which entails a new cottage with garaging at the rear, follows this trend

and, in view of the presence of similar developments within the Conservation Area as a whole, it is not considered that this particular layout would be detrimental to the character and appearance of the area.

- 6.11 The proposal relates well to the doctors' surgery development and does not have a significant visual impact, given that it is well screened from the agricultural land to the north and largely obscured in views from North Road, due to existing mature trees and hedgerows.
- 1.12 Unlike other locations on this side of North road, the application site is not afforded any specific protection by the designation of an Area of Important Open Space and, as such, it is recommended that the proposals would satisfactorily preserve the character and appearance of the Conservation Area, as required by Policy A21 and A24 of the Local Plan.

Residential Amenity

- 6.13 The conversion of the barn seeks to utilise an existing opening on the west elevation, facing Plovers Moss, to serve a bedroom. It is not considered that this would result in an unacceptable loss of privacy to the neighbouring occupier, since there is a distance of some 21 metres between the barn and the nearest affected dwelling.
- 6.14 The proposed new cottage and garaging, subject to the retention of the boundary hedge, would not have a material impact upon neighbouring amenities and the level of vehicular activity associated with the two properties would not result in unacceptable noise and disturbance. In view of the concerns expressed, a condition is proposed, controlling the hours during which construction work is undertaken.

Highway Safety and Access

- 6.15 The Head of Engineering and Transportation raises no objection, subject to conditions controlling the creation and retention of the splayed entrance and the setting back of any gates.

Ecology

- 6.16 The ecological survey prepared for the barn indicates evidence of usage by the Common Pipistrelle and possibly either Natterers, Long Eared or Grey Long Eared bats, together with nesting birds. It is confirmed that a DEFRA licence will be required to carry out the conversion works and a series of recommendations for compensation and mitigation are set out. These include provision for a bat loft, with suitable access points, and the installation of sparrow house boxes and boxes for other garden birds in and around the site.
- 6.17 At the time of writing, the findings of the survey are being considered by the Council's Ecologist and will be reported verbally to Members at the Committee meeting.
- 6.18 In the light of the findings, it would appear that a condition requiring compliance with the compensation and mitigation measures will be necessary, in addition to those set out below.

Drainage

- 6.19 Following the objection from Welsh Water, the applicant has provided details of a private sewage treatment package, with porosity tests which have been deemed acceptable by the Building Control Manager.

RECOMMENDATION

That, subject to revisions to the design of the conversion and the comments of the Council's Ecologist, planning permission be granted, with 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 - C02 – Approval of Details

a) the details of the position and means of constructing the external buttresses proposed in the structural engineer's report;

b) architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5, relating to the converted barn and the new dwelling;

c) details of the proposed finishes of all external joinery relating to the converted barn and the new dwelling;

d) trade details of the type of roof-light to be utilised;

e) detailed specification of all rainwater guttering and downpipes;

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

5 - C12 – Repairs to match existing

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

6 - D02 – Archaeological Survey and recording

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

7 - E16 – Removal of Permitted Development Rights

Reason: To preserve the setting of the converted barn

8 - F16 – Restriction of hours during construction

Reason: To protect the amenity of local residents

9 - G01 – Details of Boundary Treatments

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

10 - G04 – Landscaping scheme (general)

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

11 - G05 – Implementation of landscaping scheme (general)

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

12 - G09 – Retention of trees/hedgerows

Reason: To safeguard the amenity of the area

13 - Prior to the commencement of the development hereby approved, details of the means of constructing the new driveway in a manner designed to protect the existing boundary trees and hedgerow from unacceptable damage shall be submitted to and approved in writing by the Local Planning Authority. The driveway shall be constructed in accordance with these details and thereafter properly maintained.

Reason: In the interests of protecting the amenities of the area and the privacy of nearby residents.

14 - H02 – Single access – footway

Reason: In the interests of highway safety

15 - H05 – Access Gates

Reason: In the interest 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 the highway**
- 4 - HN05 – Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - N11 - Wildlife and Countryside Act, 1981.**
- 7 - NC02 – Warning against Demolition**

Decision:

Notes:

DCNW2004/1486/L

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

1 - C01 – Time Limit for Commencement

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

2 - A07 - Development in accordance with approved plans

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 - C02 - Approval of Details

- a) the details of the position and means of constructing the external buttresses proposed in the structural engineer’s report;**
- b) architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5, relating to the converted barn and the new dwelling;**
- c) details of the proposed finishes of all external joinery relating to the converted barn and the new dwelling;**
- d) trade details of the type of roof-light to be utilised;**
- e) detailed specification of all rainwater guttering and downpipes;**

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

5 - C12 – Repairs to match existing

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 – Policy 18**
- 2 - NC02 – Warning against Demolition**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCNW2004/1680/F - CHANGE OF USE FROM AGRICULTURAL LAND TO GARDEN. TO CONVERT EXISTING PITCHED ROOF BARN TO A LEAN-TO RANGE AT STAPLETON CASTLE COURT, STAPLETON, PRESTEIGNE, HEREFORDSHIRE, LD8 2LS

For: Mr. T.B. Griffiths at same address

Date Received:

10th May, 2004

Ward:

Mortimer

Grid Ref:

32406, 65637

Expiry Date:

5th July, 2004

Local Member: Councillor Mrs. L.O. Barnett

1. Site Description and Proposal

- 1.1 The application site comprises Stapleton Castle Court, a detached stone built property (built pursuant to application no. N98/0715/N), a former agricultural building which projects forward from the property and agricultural land located to the north west which slopes steeply to the remains of Stapleton Castle (Scheduled Ancient Monument).
- 1.2 The agricultural land is surrounded on 3 sides by mature trees and native species hedgerows.
- 1.3 The whole of the site lies within an Area of Great Landscape Value.
- 1.4 Planning permission is sought for the change of use of part of the agricultural land to the rear of Stapleton Castle Court into domestic garden, the formation of a track across the land to provide access to the grazing land to the west and the adaptation of the existing barn structure at the front of the property to provide domestic storage and a greenhouse.
- 1.5 The plans submitted with the application also indicate proposals for orchard planting to the north of the proposed garden and additional hedgerow planting to the south of the site. These proposals would not involve the change of use of the land affected and as such cannot form part of the consideration of this application.

2. Policies

Hereford and Worcester County Structure Plan

Policy CTC.2 - Areas of Great Landscape Value

Policy CTC6 - Landscape Features

Policy CTC.7 - Landscape Features

Policy CTC.9 - Development Requirements

Policy CTC11 - Trees and Woodlands

Leominster District Local Plan (Herefordshire)

Policy A1 - Managing the District's Assets and Resources
A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A10 - Trees and Woodlands
A22 - Ancient Monuments and Archaeological Sites
A24 - Scale and Character of Development
A41 - Protection of Agricultural Land
A54 - Protection of Residential Amenity

Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR2 - Land Use and Activity
DR4 - Environment
LA2 - Landscape Character and Areas Least Resilient to Change
LA5 - Protection of Trees, Woodlands and Hedgerows
ARCH4 - Other Sites of National or Regional Importance
E15 - Protection of Greenfield Land

3. Planning History

92/532 - Redevelopment of existing farm buildings to provide 2 detached and 2 semi-detached dwellings - Approved 16 February 1993

N98/0715/N - New dwelling - Approved 5 January 1999

4. Consultation SummaryStatutory Consultations

- 4.1 English Heritage raise no objection and support the reduction of the roofline to the barn but comment that the change of use of the garden should not be subject to bulk earth moving.

Internal Council Advice

- 4.2 Chief Conservation Officer raises concerns regarding turning a large part of the area into a domestic garden commenting that the introduction of garden structures and ornamental species could detract from the simplicity of the castle mound. Emphasis should be on leaving some space which has simplicity of character.

No objection is raised to the proposed orchard planting or the conversion of the pitched roof barn into a lean-to range.

- 4.3 Head of Engineering and Transportation raises no objection.

5. Representations

- 5.1 A total of 7 letters have been received in response to the application. The concerns raised can be summarised as follows:

- original permission (98/715/N) required barn to be taken down to the level of natural stone walling and create a walled garden.

- plans produced inaccurate, retention of boarding will mask view from property.
- ivy has no wildlife value.
- corrugated iron is not an acceptable material in an Area of Great Landscape Value, which would be visible from the castle mound.
- building far too high and dominant.
- planting of additional hedgerow (line B-C) would impact upon open character and setting of Stapleton Castle. Potential for non-agricultural use and new access to site.
- change of use proposals should not result in justification for another dwelling. Concern that shabby appearance of the proposed building will be used in an effort to enlarge the site.
- further creeping suburbanisation of the Stapleton area.

5.2 The applicant has by way of a response to the concerns raised made the following additional comments:

- the actual garden area will amount to an area 20 metres in length from the house and be screened from Stapleton Castle by hedge planted in 2001/2002.
- no buildings other than a gazebo are proposed with the remainder of the site laid out as orchard.
- proposed trackway surface would be compacted stone, which would then be reseeded to provide a grassy surface.
- remaining land will be retained in agricultural use
- lean-to range will not be readily visible from the castle.
- retention of ivy covered boarding will conceal most of the new roof when viewed from neighbours garden and serve to protect their privacy.
- corrugated iron is in keeping with a number of domestic and agricultural buildings in the area
- no intention of making further applications.

5.3 Stapleton Parish Council comment that they are happy to see the proposed change of use from agricultural to garden land, on condition that this does not lead to further development of the site. They consider therefore that any consent should contained the proviso that no new driveways or hard-standing should be allowed on the ground in question - in other words Class E permitted development should be excluded, along with the other normal exclusions in cases of this sort. They have no particular view on the conversion of the barn to a lean-to range and the consequent change of roof-line, and assume that the planning authority will assess this on the basis of its visual impact on the immediate environment and decide accordingly.

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 planning history of Stapleton Castle Farm with particular respect to the barn element of this proposal;
- b) the visual impact of the proposal upon the Area of Great Landscape Value and the Setting of the Scheduled ancient Monument and;
- c) the effect of the proposed upon the amenities of neighbouring residents

Planning History

- 6.2 The original permission for the development of this site (Application No. 92/532) and the later permission granted for the applicant's property (Application No. N98/0715) both refer to the removal of the metal clad building, the subject of this application, down to the level of the historic stonework. However, in neither instance was a condition requiring the removal of the building, either prior to the commencement of development or upon occupation of the dwelling, attached, and, accordingly, it is not considered that the removal of the modern elements of the building can be effectively or expediently enforced.
- 6.3 In essence, whilst there is an intention inferred within these approvals, it is not a matter which the Local Planning Authority would be in a position to pursue, other than through persuasion and negotiation.
- 6.4 Members may recall that the lack of a time specific condition in this instance was a feature of their consideration of the application to re-site the fourth dwelling approved by the extant 1992 permission.

Visual Impact on Area of Great Landscape Value and Scheduled Ancient Monument

- 6.5 The assessment of this proposal requires separate consideration of the proposed change of use of the agricultural land to the north-west of the property and the alterations to the barn structure on the south side.
- 6.6 The applicant has confirmed that the intention would be to limit the actual garden curtilage to an area extending some 20 metres from the rear elevation of the property, within which only very limited changes in ground levels are proposed, together with the erection of a small gazebo. Beyond this boundary, the remainder of the field would be planted to orchard (an agricultural operation not requiring planning permission). Within the orchard area, a stone track would be constructed to provide a link between the castle field and agricultural land to the east of the site, beyond the mill pond.
- 6.7 Having regard to these specific aspects of the proposal, it is considered that, with careful control over design and materials and the removal of permitted development rights, there would be no significant adverse effect upon the character of the Area of Great Landscape Value and the setting of Stapleton Castle. Furthermore, the existing hedgerow planting undertaken, together with the screening qualities of the proposed orchard, will reduce any major impact in views from public vantage points. The use of appropriate conditions would serve to address satisfactorily the concerns/comments raised by English Heritage and the Chief Conservation Officer.
- 6.8 The works relating to the existing barn are clearly more relevant to the adjacent occupiers, as evidenced by the objections raised to this aspect of the application. The planning position regarding the removal of the barn has been set out above and presents an important material consideration in this case.
- 6.9 The applicant's proposal essentially involves the retention of the main structural elements of the barn, together with its vertical, ivy covered and boarded front elevation, which projects above the stone wall of this historic farm building. The height of the existing barn would be reduced to the level of the breeze blocks which form the

rear elevation of the barn and a new, partly mono-pitched and part flat roofed structure would be created, using metal cladding. The exposed breeze blocks would be clad in timber weatherboarding. In terms of the impact upon the Area of Great Landscape Value and the setting of the castle, the reduction in the size of the building, subject to control over the materials used in the cladding of the roof, will serve to limit its impact upon the area and, as such, it is not considered that there are grounds to refuse the applicant in terms of its implications for the wider countryside.

Impact on Residential Amenity

- 6.10 Concern has been raised in respect of the impact of the adapted building upon the amenities of property which is set down below the application site. It is acknowledged that the complete removal of the tin-clad and weatherboarded elements, as shown on the approved plans for the development of the application site, would serve to improve the outlook from the property immediately to the east. However, it is advised that the building, in its current form, other than restricting views towards the castle ruin, would not have an unacceptable, overbearing or overshadowing effect, justifying the refusal of permission. It follows, therefore, that the proposal to reduce the height of the building will improve the current unenforceable situation and thereby improve the neighbours' position, without adversely affecting current levels of privacy.

Conclusion

- 6.11 This application serves to highlight the need to condition the removal of buildings where there is a specific and reasonable justification to do so. The lack of intervention in this case is such that it would not be expedient for the Local Planning Authority to enforce the removal of the building down to its stone plinth. As proposed, the application represents a compromise between the current and intended treatment of the building, which, notwithstanding the local concerns, would not cause demonstrable harm to the character of the area or the amenities of neighbouring occupiers to warrant the refusal of permission.
- 6.12 On a final point, the planting of new hedgerow (Section B-C on the submitted plans) would not, subject to the land remaining agricultural in use, result in development requiring planning permission. The formation of an access, as suggested in a number of responses, would require planning permission in its own right and, as such, cannot be considered within the scope of this application. It should also be stressed that no part of this application sets a precedent for further residential development in and around 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) Notwithstanding the details submitted with the application, prior to the commencement of the development hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**

- a) the materials and colour of the external surface of the roof;
- b) existing and proposed levels and appropriate sections identifying the extent of excavations and groundworks required in respect of the approved garden area;
- c) details of the design and location of the proposed gazebo

The development shall be carried out strictly in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the site and the surrounding countryside.

- (3) G04 - Landscaping Scheme: (omit 'landscaping' and substitute 'orchard planting')

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

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

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

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls/garages/buildings or hardstanding areas shall be erected or constructed, other than those expressly authorised by this permission.

Reason: To preserve the character and appearance of the site and surrounding countryside.

Informative:

- 1. N15 – Reasons for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCNW2004/1841/F - PROPOSED POTATO STORE EXTENSION AT COURT HOUSE FARM, BYTON, PRESTEIGNE, HEREFORDSHIRE, LD8 2HS

For: Edwards of Byton Ltd per Leominster Construction, Southern Avenue Industrial Estate, Leominster, Herefordshire, HR6 0QF

Date Received:

20th May, 2004

Expiry Date:

15th July, 2004

Local Member: Councillor Mrs. L.O. Barnett

Ward:

Mortimer

Grid Ref:

36938, 63930

Introduction

Members will recall that this application was subject of a site inspection by Members on the 26th July, 2004

1. Site Description and Proposal

- 1.1 Court House Farm consists of, in total, approximately 485 hectares. Of this approximately 162 hectares is in the village of Byton, the location of this current proposal. The immediate locality includes residential dwellings not associated with the holding, and Listed Buildings, including two adjoining barns within the complex designated for this building. The character of the locality is rural and agricultural. The landscape is designated as an Area of Great Landscape Value.
- 1.2 This application seeks planning permission for the erection of a new farm building attached to a similar structure granted permission DCNW2001/1316/F. The proposal involves the erection of an agricultural building with a width of 26.2 metres, a length of 33.5 metres, and a ridge height of 11.3 metres. The design is reflective of the building to which it is to be attached. The proposed use of this building is for the storage of potatoes.

2. Policies

Hereford and Worcester County Structure Plan

Policy A3 – Construction of Agricultural Buildings

Leominster District Local Plan

Policy A9 – Safeguarding the Rural Landscape

Policy A18 – Listed Buildings and their Settings

Herefordshire Unitary Development Plan (Deposit Draft)

DR1 – Design
E13 – Agricultural and Forestry Development
HBA4 – Setting of Listed Buildings

3. Planning History

DCNW2001/1316/F - Steel portal framed cold potato storage building - Approved 21 August 2001

95/0695/N - Erection of potato store and general storage building - Approved 14 November 1995

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

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

4.3 Chief Conservation Officer - Expressed some concern over the siting and its impact upon the landscape. It was recommended that locating the proposed building to the north of the existing building. Notwithstanding this, if the location was not flexible, conditions relating to landscaping were recommended.

4.4 Head of Environmental Health - Raised no objection to the proposed development.

5. Representations

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

'In view of the objections expressed by a number of local residents at the meeting held on 23 June 2004 to discuss the application, it is the Parish Council's opinion that the Planning committee should hold a site meeting in order to see for themselves what the proposal entails. In a case of this kind, the Parish Council believes that this is the only way in which the Committee can properly assess the likely effect of the building on the local village environment and consider any alternative proposals for its siting. To avoid unnecessary delay for the applicants, the site meeting should be held as soon as possible. The Parish Council also believe it would be desirable, given their local knowledge, for parish councillor's to be present to pass on the conclusions of their own inspection of the site.'

5.2 11 letters of objection, from 10 sources, were received in response to this application. The sources of these objections are as follows:

- Mr. A. Grigg, Stoney Croft, Byton.
- K.A. Williams, Court Leas, Byton.
- P. Gilbert, Turnpike Cottage, Byton.
- Mr. P. Segrott, The Old Rectory, Byton.

- T. Brown, The Old School House, Byton.
- Mr. J. Rogers, Highfield, Byton.
- M. Bodhingle & F. Stubbs, Parkwood, Byton.
- Mr. & Mrs. Oldershaw, The Quarry, Kinsham.
- Mr. G. Morgan, The Cottage, Byton (x2).
- Mr. D. Delaney, Pipe Trow, Byton.

The objections to the scheme can be summarised as follows:

1. Damage to the environment will be harmful to the tourism industry locally.
2. Residential amenity implications of associated traffic movements.
3. Unacceptable increase in traffic movement.
4. Unacceptable times and regularity of vehicle movements.
5. Inadequacies of transport infrastructure to accommodate traffic movement.
6. Negative impact upon the landscape.
7. Necessity for an effective landscaping scheme.
8. Time restrictions to vehicle movements should be applied.
9. Implications upon pedestrians.
10. Importance of a committee site visit.
11. Environmental implications associated with the utilisation of the development.
12. Justification for the expansion.
13. Lack of long term need for this building.
14. The site is currently poorly operated.
15. Intrusive working hours causing interference of privacy ('intrusion into B-B-Q).
16. Failure to comply with requirements of previous planning consents.

5.3 The applicant has advised the following:

1. Potatoes to be stored in this building are grown on the applicant's land and on Farm Business Tenancies around Leominster and Tenbury.
2. Availability of storage is problematic, with associated logistical implications.
3. No additional vehicle movements will be associated to this storage expansion because the potatoes are brought onto site anyway for grading.
4. This building will provide enhanced storage to meet the needs of the business.
5. The applicant is happy to comply with roadside improvement requirements.
6. Vehicle movements are not 24 hours and the applicant is happy for loading hours to be limited to 7.00am till 8.00 pm.
7. A road sweeper with a water kit has been purchased to minimise the dust problem.
8. The Worcester based operation does not utilise the Byton facilities.
9. The suggested location to the north is not physically viable for reasons of space, health and safety, and manoeuvring.
10. Location influenced by need to be distanced from the cattle buildings and food stuffs in order to comply with present regulations.

5.4 In support of the application, five letters have been forwarded from the following sources:

- Cmi Certification, Oxford.
- Scott Price Refrigeration, Bishops Frome.
- Leominster Construction, Leominster.
- MBM West Midlands.
- Kendrick and Co. Powys.

The comments in these letters can be summarised as follows:

1. The potatoes produced are to the highest standards demanded by Tesco's and other supermarkets.
 2. Storage are required at the point of production, so that the potatoes may be stored in the optimum conditions until ready for sale.
 3. The current storage limitations on site meant last year's crop had to be transported to storage sites elsewhere, as far away as Lincolnshire.
 4. The transportation costs associated with transportation for storage are unsustainable.
 5. The suggested location to the north cannot be achieved physically and would have financial and ecological costs associated with it. Additionally, this location has unacceptable implications upon the livestock enterprise.
 6. There are contamination issues associated with a location in close proximity to a livestock enterprise.
 7. The recent Tesco Natures Choice inspection report resulted in a 'Gold' Standard being achieved. The analysis required minimum score in areas including wildlife and landscape conservation and enhancement, resource utilisation efficiency, pollution prevention, and the rational use of pesticides, fertiliser, and manures.
 8. The design of the building has regard to the comments of the Listed Buildings Officer in application DCNW2001/1316/F.
 9. The design had regard to the importance of integrated with the existing storage building.
 10. A landscaping scheme is proposed.
 11. Siting is influenced by health and safety requirements, access, manoeuvring, and distance from the grading line to the store.
 12. MBM take in excess of 5000 tonnes of potatoes each year from the Edwards' and only 3000 tonnes of storage is available on site, with significant implications for the business.
 13. The siting of the store adjacent to the existing is beneficial in consideration of energy efficiency, on site vehicle movements, and operating costs.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

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

1. The principle of development.
2. Agricultural need.
3. Siting.
4. Impact upon the landscape.
5. Transportation implications.

6.2 Principle of Development

Policy A3 of the Hereford and Worcester County Structure Plan states that applications for the construction of agricultural buildings will be treated sympathetically, but also states the importance of siting and design.

The proposal for the erection of an agricultural building is therefore accepted in principle, subject to consideration of issues such as siting and design and impact upon the landscape.

6.3 Agricultural Need

Additional information was requested regarding the agricultural need for this building. The submitted details clarify the demand for additional on site storage and it is suggested that the operational requirements of the farm justify the agricultural need for the proposed storage building.

6.4 Siting

The siting of this building is a concern in relation to the impact upon the landscape. The specific landscape aspect will be considered in the subsequent section of this report but it is important to first establish the need for this building to be in this location. The Chief Conservation Officer has identified a location to the north of the existing building as being less harmful upon the landscape. The submitted information outlines the justification for the proposed siting and can be summarised as follows:

1. Physical limitations of the site and the proximity to the boundary would make the operation of a building in this location, with the associated vehicle movements and manoeuvring, impractical.
2. The location closer to the existing livestock operation has implications upon the required standards of operation of the livestock enterprise, and also raises the issue of contamination from the livestock enterprise into the storage facilities.
3. The location to the north is less advantageous having regard to energy efficiency and vehicle movement requirements.

On the basis of the submissions outlining the above facts it is concluded that the preferred siting to the north is not viable and, indeed, has negative implications associated with it. It is therefore considered that the siting currently proposed is justified.

6.5 Landscape

The building is well related to the main complex of buildings and it will integrate well into the adjacent building. The design is appropriate and acceptable. The opportunity to introduce a comprehensive landscaping scheme offers a chance to screen not only this building, but also the one to which it is attached, the consent for which contains no landscaping condition. Clearly the implications of the proposed development upon the landscape are an important factor. The area in question is designated as an Area of Great Landscape Value and its importance, value and beauty is recognised. The current farm complex is visible, indeed prominent, from a number of vantage points. That said, in the context of this application the following should be considered: the existing farm complex, the opportunities for additional landscaping, and recognition of the needs and requirements of modern farming. It is acknowledged that from some vantage points this building will increase the intrusive nature of the farm complex. It is equally inevitable that this particular building will, from some positions, stand out particularly. However, it is considered that the proposed building in this location will, overall, not greatly increase the intrusive nature of the existing complex. From some positions it will, by virtue of perspective, cause no additional harm at all.

On balance it is suggested that subject to a comprehensive landscaping scheme the proposal will not cause unacceptable additional harm upon this important landscape area and this application offers the opportunity to mitigate not only against the impact of this building, but also the existing one, which is currently particularly visible from a number of view points.

6.6 Transportation

Transportation is also a key factor in considering the acceptability of this proposal. Considerable local concern has been expressed in relation to this proposal from the perspective of vehicle movements and disturbance. It is undeniable that manoeuvring heavy good vehicles can be intrusive and although the site is in close proximity to the B4362, the lane itself is of modest capacity. The applicant has confirmed that no additional vehicle movements will be associated with this new development. The argument that the current level of movement will remain level appears sound on the basis that the potatoes will need to be brought to and from the site for grading, whether this storage is permitted or not. Whether the potatoes are kept on site after grading, or moved off site immediately will only change the logistics associated with movement, not the levels of movement. The Head of Engineering and Transportation is satisfied that adequate passing places exist and there are no records of accidents on the lane itself, or the junction with the B4362. On the basis of the above it is suggested that the transportation implications of this development are acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - E02 (Restriction on hours of delivery) [7.00 am to 8.00 pm] Mondays to Sunday nor at any time on Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

4 - G04 (Landscaping scheme (general))

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

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

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

6 - G06 (Scope of landscaping scheme) The landscaping scheme required by condition No. 4 above.

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

- 7 - Prior to the commencement of the development hereby authorised, details of the protection of the landscaping works from rabbit damage and stock damage shall be submitted to, and agreed in writing by, the local planning authority.

Reason: To ensure the satisfactory provision of the acquired landscaping scheme.

Informatives

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - The Right of Way should remain open at all times throughout development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Public Right of Way Department, preferably 6 weeks in advance of work starting.
- 4 - The Right of Way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.
- 5 - N03 - Adjoining property rights
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

18 DCNW2004/1931/F - TWO STOREY EXTENSION AND ALTERATIONS TO THE EXISTING DWELLING AT THE GREEN, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EQ

For: Mr. & Mrs. K. Douglas per Mr. P. Titley, New Cottage, Upper Common, Eyton, Leominster, HR6 OAQ

Date Received:
2nd June, 2004

Ward:
Pembridge &
Lyonsshall with Titley

Grid Ref:
38376, 56166

Expiry Date:
28th July, 2004

Local Member: Councillor R.J. Phillips

1. Site Description and Proposal

- 1.1 The Green comprises an attractive, detached stone and brick built cottage, which occupies a relatively prominent location on the south side of an unclassified road in the small hamlet of Bearwood.
- 1.2 The established garden curtilage is located at the front of the property whilst, to the rear, is agricultural land upon which is located the dilapidated remains of a number of outbuildings.
- 1.3 The northern boundary of the site, from which the property is partially visible, is defined by a well established hedgerow. Access to the property is derived from a small gate to the rear of the house.
- 1.4 Planning permission is sought for a two-storey extension to the rear of the property, incorporating an entrance hall and lounge on the ground floor and ensuite bedroom on the first floor. The extension, as proposed, would extend some 8 metres from the rear elevation of the property and would be 5 metres wide. The demolition of the existing outbuildings is proposed as part of the extension scheme.
- 1.5 This is a re-submission, following the approval of a smaller extension, pursuant to Application Ref: NW2003/3289/F.

2. Policies

Hereford & Worcester County Structure Plan

Policy H16A – Housing in Rural Areas

Policy H.20 – Housing in Rural Areas Outside the Green Belt

Leominster District Local Plan

Policy A56 – Alterations, Extensions and Improvements to Dwellings

Herefordshire UDP (Revised Deposit Draft)

Policy H18 – Alterations and Extensions

3. Planning History

- 3.1 NW2003/3239/F - Two-storey extensions and alterations. Approved 17th December, 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 There are no statutory consultees

Internal Council Advice

- 4.2 Head of Engineering and Transportation raises no objection.

5. Representations

- 5.1 The comments of Pembridge Parish Council are as follows:

“Pembridge Parish Council objects to this application on the following grounds:

That the scale of the proposed extension effectively doubles the size of the property, making it out of keeping in character with the surrounding, smaller properties. It is considered that the character of the hamlet needs to be protected, as well as its amenity.”

6. Officers Appraisal

- 6.1 The main issue for consideration in the determination of this application is the impact of the proposed extension on the character and appearance of the existing, unextended property.
- 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 The existing cottage comprises a very modest, two-bedroomed dwelling, which is notable for its very restricted width of approximately 3.9metres and limited overall ridge height of 5.5 metres. These constraints have had a particular bearing upon the siting of the extension, since the limited width has made extending to the side of the property unfeasible in view of the already cramped internal floor plan and layout.
- 6.4 The result is a general acceptance that a rear addition represents the only realistic means of extending the property and permission was granted for a partly two-storey and partly single-storey extension (NW2003/1931/F) on 17th December, 2003. The approved scheme limited the two-storey projection to 4.2 metres and introduced a visual break down to a single-storey element. The overall footprint is the same as now

proposed, but the scale of the approved scheme was considered to be reasonably sympathetic to the original cottage.

6.5 The scheme as now proposed represents a visually far more dominant proposal. The design is such that the ridge and eaves height would be identical to the existing cottage, but the width of the extension (5 metres) is greater than the existing (3.9 metres). This, combined with the interrupted roof and 8.3 metre projection of the extension, results in a wholly unacceptable and overwhelming addition, which fails to respect the scale and appearance of the cottage.

6.6 It is acknowledged that the principal (west) elevation remains unaffected by the proposal, but this is not sufficient justification for such a substantial extension, which would be visible from the unclassified road defining the northern boundary of the application site. In essence, it is considered that the scheme already approved, which followed detailed pre-application discussion, represents the realistic limit to extending this particular property.

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) and Policy H18 of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCNW2004/1967/F - PROPOSED REMOVAL OF EXISTING EXTENSIONS AND TWO STOREY EXTENSION AT TODDEN COTTAGE, LOWER TODDING, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE.

For: Mr. P. Maybury per Houghton Building Consultants, 18B Broad Street, Kingswinford, West Midlands, DY6 9LR

Date Received:
16th June, 2004

Ward:
Mortimer

Grid Ref:
41049, 75188

Expiry Date:
11th August, 2004

Local Member: Councillor Mrs. L.O. Barnett

1. Site Description and Proposal

- 1.1 This application seeks consent for the erection of a two-storey and single-storey rear extension at Todden Cottage, Lower Todding, Leintwardine. Todden Cottage is a relatively modest dwelling with a single-storey catslide projection to the rear. The site is located in the open countryside, adjacent to a Public House. The site is adjacent to an Area of Great Landscape Value, but does not actually fall into any policy specific protected area.
- 1.2 This application is the third of its kind for this site, the previous two being withdrawn on the grounds of design and scale.
- 1.3 Planning permission is sought for a two-storey, double pitch extension to the rear of the main dwelling house to create a twin gabled side elevation to the east. The two-storey element is approximately two thirds the width of the rear elevation of the main dwelling. Adjacent to the two-storey element is proposed a catslide style addition. The materials are intended to match the existing.

2. Policies:

2.1 National Policies

PPG1 - General Policy and Principles

2.2 Leominster District Local Plan

A1 - Managing the District's Assets and Resources

A2(D) - Settlement Hierarchy

A24 - Scale and Character of Development

A54 - Protection of Residential Amenity

A56 - Alterations, Extensions and Improvements to Dwellings

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

S1 - Sustainable Development
S2 - Development Requirements
H7 – Housing in the Countryside outside Settlements
H18 - Alterations and Extensions

3. Planning History

- 3.1 NW04/1967/F - Two-storey rear extension
Withdrawn
- 3.2 NW04/1056/F - Two-storey rear extension
Withdrawn

4. Consultation Summary**Internal Council Advice**

- 4.1 Head of Engineering and Transportation - Raised no observations in respect of this application.
- 4.2 PROW Manager - Raised no objections in respect of this application.

5. Representations

- 5.1 Neighbours - No responses received
- 5.2 Parish Council - Leintwardine Parish Council raised the following objection:

"The revised plan does not address the fundamental objections of (a) turning one very small cottage into a much larger one; and (b) overlooking houses behind. The revised plan differs little from an earlier application to which the Council objected."

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

6. Officers Appraisal

- 6.1 The key areas for consideration are as follows:-
1. Principle of development
 2. Design and Scale
 3. Residential and visual amenity

Principle:

- 6.2 Adopted Leominster District Local Plan policies A1, A2, A24, A54 and A56, together with emerging Herefordshire Unitary Development Plan policies S2, DR1, H7 and H18, allow for residential extensions, subject to their acceptability in relation to issues of design, scale, residential and visual amenity and transportation.

Design and Scale

- 6.3 The existing dwelling is an attractive property. The key elevation is the front and this is unaffected by the proposal. The east facing elevation is successful with the twin gables an acceptable and appropriate design solution. The visibility of the east facing is limited by virtue of the relationship of the dwelling to the adjacent Public House. The gradient to the rear aids the reduction of the impact of this element of the proposal. Given the limitations of the site the proposal is considered to be an acceptable solution and is not considered to be of sufficient concern to justify refusal.

Residential and Visual Amenity

- 6.4 The proposed development has no unacceptable implications upon residential amenities to the front or sides. To the rear, the closest dwelling house is over 30 metres away, a distance which is considered more than sufficient to safeguard the amenities of local residents
- 6.5 Turning to visual amenities, it is suggested that the siting of this dwelling within the landscape minimises the implication of the design limitations and scale issues. The important front elevation is maintained and the side and rear are screened by the landscape gradient of other structures to a degree that ensures the visual impact of these works is within acceptable limits.

RECOMMENDATION

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

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

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

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

No development shall take place until details or samples of materials to be used externally on 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.

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

- 3. C02 (Approval of details)**

Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) Fenestration designs, materials and finishes**

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

20 DCNW2004/2168/F - TWO STOREY EXTENSION TO SIDE AND SINGLE STOREY EXTENSION TO REAR OF DWELLING AT MOLEBANK COTTAGE, NEWTON LANE, KINGTON, HEREFORD

For: Mr. G. Jones per Mr. D. Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB

Date Received:

15th June 2004

Ward:

Kington Town

Grid Ref:

29048, 57027

Expiry Date:

10th August 2004

Local Member: Councillor T.M. James

1. Site Description and Proposal

1.1 This application seeks consent for the erection of a two storey side and single storey rear extension at Molebank Cottage, 1 Newton Lane, Kington. Molebank Cottage is a detached dwelling. The application site is characterised by its ground levels which drop significantly from road level such that only the roof of the existing property is visible from the roadside. This is a common design pattern, with the other two properties in the immediate vicinity being of a similar design.

1.2 Planning permission is sought for a two storey extension to the side of the main dwelling house. The design concept includes a step down in the ridge of the addition from that of the main dwelling house to give a subservient appearance. The rear addition is proposed for the boundary with number 2 Newton Lane. This addition would continue the existing modest lean-to to the side of the dwelling, integrating it into a stone extension to the rear.

2. Policies

National Policies

PPG1 General Policy and Principles

Leominster District Local Plan

A1 – Managing the District's Assets and Resources

A2(D) – Settlement Hierarchy

A9 – Safeguarding the rural Landscape

A24 – Scale and Character of Development

A54 – Protection of Residential Amenity

A56 – Alterations, Extensions and Improvements to Dwellings

Herefordshire Unitary Development Plan (Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements

H4 – Main villages: Settlement Boundaries
H18 – Alterations and Extensions

3. Planning History

3.1 None.

4. Consultation Summary

Internal Council Advice

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

5. Representations

5.1 Neighbours - No representations received.

5.2 Parish Council - Kington Parish Council raised no objection.

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

6. Officers Appraisal

6.1 The key areas for consideration are as follows:

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

6.2 Principle

Adopted Leominster District Local Plan policies A1, A2, A24, A54, and A56, together with emerging Herefordshire Unitary Development Plan policies S2, DR1, and H18, allow for residential extensions subject to their acceptability in relation to issues of design, scale, residential and visual amenity, and transportation.

6.3 Design and Scale

The two-storey element is reflective of the existing built form and the addition is acceptable in the context of scale being proportional and subservient. The design will allow the addition to integrate into the main dwelling house effectively. The single storey rear element appears a little unbalanced by virtue of the need to integrate the east elevation roof slope into the existing side projection. Notwithstanding this, the appearance is ultimately acceptable and the site is not widely visible. The design and scale of both elements are therefore considered acceptable

6.4 Residential and Visual Amenity

The sole neighbouring property within the sphere of influence of these works is the neighbouring property, number 2 Newton Lane. The closest element of this neighbouring property is a two-storey addition granted consent by virtue of consent

DCNW01/2721/F. By virtue of the site characteristics, design, scale, and detached nature of these dwelling it is considered that the impact upon the amenities of this neighbouring property will be within acceptable limits.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. B01 – Samples of external materials**

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

Informatives

- 1. N03 (Adjoining property rights)**
- 2. N15 (Reasons for granting planning permission)**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

21 DCNE2004/2166/F - CONVERT GROUND FLOOR STORE INTO STUDY WITH FIRST FLOOR EXTENSIONS AT 5 BROOKE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2UP

For: Mr. & Mrs. R. Collins per Mrs. Clayton, Penelope Clayton Architectural Drawing, 2 Sunshine Close, Ledbury, Herefordshire, HR8 2DZ

Date Received:
15th June, 2004

Ward:
Ledbury

Grid Ref:
70343, 38397

Expiry Date:
10th August, 2004

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

1. Site Description and Proposal

- 1.1 The application is for extensions and alterations to the existing end of terrace dwelling, No. 5 Brooke Road. The site is accessed via a private driveway taken from Brooke Road, leading to the parking and turning area and small open planned front gardens associated with the three dwellings that form the terrace.
- 1.2 The extensions proposed involve the erection of a first floor extension over the former integral garage and store to create an additional bedroom, and a first floor extension over the front porch to allow for an enlargement of the bathroom.
- 1.3 The proposed side extension would project 2.65m from the south-western elevation, be constructed of materials to match the existing and maintain the existing ridge height and roof slopes.
- 1.4 The proposed first floor extension over the existing porch replicates an alteration made to a number of other dwellings in the locality.

2. Policies

Malvern Hills District Local Plan

Policy H16 - Extensions

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy DR1 - Design

Policy H18 - Alterations and Extensions

3. Planning History

None relevant to the application.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations were undertaken.

Internal Council Advice

4.2 The Head of Engineering and Transportation does not wish to restrict the grant of permission.

5. Representations

5.1 Ledbury Town Council recommend approval.

5.2 One letter of objection has been received from Mr. & Mrs. C Schofield of 3 Abercrombie Close, Ledbury, Herefordshire, HR8 2UR.

The points raised can be summarised as follows:

- a) The first floor extension window will directly overlook No.3 Abercrombie Close;
- b) An extension would constitute overdevelopment of the site and eradicate the space between buildings when viewed from the rear of No.3;
- c) There will be insufficient parking spaces for the dwelling as extended;

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

6. Officers Appraisal

6.1 The key issues in determining this application are the principle of the proposed extension in relation to the existing dwelling and the impact upon the amenities of the neighbouring properties.

6.2 Policy H16 of the Malvern Hills District Local Plan allows for extensions to dwellings provided that they are of a scale and mass, which ensures that the character of the original building is retained. Furthermore, extensions should be of a high standard of design, with size, siting and external materials complementing the character and appearance of both the original building and its surrounds.

6.3 The extensions proposed are at first floor level and consequently there is no addition to the footprint of the existing dwelling. The alterations to the front elevation include a revision to the roof design of the existing store. It is proposed that the incongruous hipped roof be replaced with a lean-to style roof better relating to the dwelling and the architectural character of the wider area. It is the officer's opinion that this will constitute an improvement visually.

6.4 In terms of scale and design the proposals are considered acceptable. Materials proposed will match those used in the existing dwelling, whereas the brick quoin detailing to the porch will be replicated at first floor level.

- 6.5 The letter of objection makes reference to the potential for direct overlooking resulting from the introduction of a further window to the rear elevation at first floor level. However, the approximate distance of 20 metres between window units is considered acceptable. There already exist two windows at first floor level in the rear elevation, and the introduction of a third is not considered to constitute a substantive reason for refusal.
- 6.6 In view of the material considerations raised above it is considered that the scheme accords with the relevant Local Plan policy and that approval be granted subject to conditions.

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

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

22 DCNE2004/1546/F - REMOVAL OF CONDITION 3 ON APPLICATION NUMBER NE2000/0505/F (TO ALLOW CARAVANS TO REMAIN ON THE SITE BETWEEN 01 NOVEMBER IN ANY ONE YEAR AND 01 MARCH IN THE SUCCEEDING YEAR) AT TRUMPET INN, TRUMPET, LEDBURY, HEREFORDSHIRE, HR8 2RA

For: Mr A M Riga of above address.

Date Received:
28th April, 2004

Ward:
Frome

Grid Ref:
65589, 39492

Expiry Date:
23rd June, 2004

Local Member: Councillor R.M. Manning

1. Site Description and Proposal

- 1.1 The Trumpet Inn is located on the south west side of the Trumpet Crossroads at the junction of the Hereford/Ledbury, Gloucester/Leominster Roads.
- 1.2 Planning permission is sought to allow caravans to use the touring caravan site for 12 months rather than the presently permitted 8 months. They are restricted from using the site between 1st November and 1st March.

2. Policies

Planning Policy Guidance Note 21 – Tourism

Hereford and Worcester County Structure Plan

Policy CTC9 – Development Requirements

Policy TSM1 – Tourism Development

Policy TSM2 – Tourism Development

Policy TSM3 – Tourism Accommodation

Policy TSM7 – Tourism Accommodation

Policy TSM8 – Tourism Accommodation

Malvern Hills District Local Plan

Tourism Policy 2 – Development of Tourism

Tourism Policy 8 – Holiday Caravan and Chalet Sites

3. Planning History

NE2000/0505/F – Change of use of paddock/caravan club site to caravan site for ten touring caravans. Approved 18th April, 2000.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Environmental Health and Trading Standards Officer raises no objections subject to a note confirming the applicant that the caravan site licence will still apply.

4.3 Head of Engineering and Transportation raises no objection.

4.4 Chief Conservation Officer raises no objections in principle but is concerned that the setting of the Listed Building may be impacted upon in the winter months due to the lack of foliage and suggests a one year temporary permission.

5. Representations

5.1 Pixley Parish Council recommend refusal as they feel there are no grounds for a change of use.

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

6. Officers Appraisal

6.1 This proposed change will have little additional impact upon the setting of the Listed Building (The Trumpet Inn) than already exists as there is limited landscaping to the front of the site. PPG21, Tourism states that with better standards of caravan sympathetic considerations should be given to extending opening periods. In this instance it is considered that subject to conditions preventing permanent siting of caravans that the proposal does not impact unreasonably on the setting of the Listed Building or the landscape.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 – A07 – (Development in accordance with approved plans) (plans received on 08 March 2000)

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

3 – E35 – (Numbers limitation) (10)

Reason: To clarify the terms of the permission and minimise visual intrusion.

4 - No hardstanding shall be constructed or external lighting erected without the agreement in writing of the Local Planning Authority.

Reason: To protect the landscape character of the area.

5 - The landscaping scheme shall be carried out in accordance with the agent's letter received 04 April 2000 and as shown on the amended plan received 13 April 2000. The landscaping scheme shall be carried out and completed no later than the first planting season following the implementation of this permission. During this time any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 years maintenance period.

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

23 DCNE2004/1831/F - REPLACEMENT ANNEXE. REPLACEMENT GARAGE WITH CARPORT AND GARDEN STORE. CLOSURE OF EXISTING ACCESS AND NEW ACCESS FROM EXISTING AGRICULTURAL ACCESS. LANDSCAPING AT PARKERS, MATHON, MALVERN, WR13 5NX

For: Mr. & Mrs. G. Vos per Wall, James & Davies, 19 Hagley Road, Stourbridge, West Midlands, DY8 1QW

Date Received:

19th May, 2004

Expiry Date:

14th July, 2004

Local Member: Councillor R.V. Stockton

Ward:

Hope End

Grid Ref:

73830, 45773

1. Site Description and Proposal

1.1 Parkers, a Grade II Listed Building, is located on the northern side of the C1162 Cradley to Colwall Road at Mathon.

1.2 The proposal is to replace an annexe set to the back of the site with another self contained annexe comprising two bedrooms, living room and kitchen. The application also includes a new triple garage and driveway which is located alongside the boundary hedge of the adjoining field to the north. The new driveway will utilise an existing field gate entrance and the existing access closed.

2. Policies

PPG7 – The Countryside

PPG15 – The Historic Environment

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements

CTC7 – Listed Buildings

CTC1 – Area of Outstanding Natural Beauty

CTC2 – Area of Great landscape Value

Malvern Hills District Local Plan

Landscape Policy 2 – Area of Outstanding Natural Beauty

Landscape Policy 3 – Area of Great Landscape Value

Conservation Policy 11 – The Setting of Listed Buildings

3. Planning History

NE2004/1292/L – Alteration, improvement renovations to ancillary – Listed Building Consent – 9 July 2004

NE2002/3634/L – Regularise existing alteration and extensions – Listed Building Consent – 22 January 2003

4. Consultation Summary

Statutory Consultations

- 4.1 The Head of Engineering raises no objection.
- 4.2 The Chief Conservation Officer states: I can confirm that I am in support of this application with the following proviso - *Carpinus Betulus* (Hornbeam) should be removed from the hedgerow mix and replaced with *Corylus Avellana* (Hazel) as this is more characteristic of the local landscape.

5. Representations

- 5.1 Mathon Parish Council make the following comments: Strong objection was raised to the access on land which is in the Area of Outstanding Natural Beauty would be visible from the highway. However, if the Northern Area Sub-Committee approve the application the Parish Council request that the access be limited to Parkers only and not be linked to the farm track or access to the farm. Furthermore there is no reason why the access should be linked to the farm track. There was no objection to the annexe. No objection to the garage provided the height was limited in keeping with others in the surrounding area.

- 5.2 Two letters of objection have been received from:

Mrs. P. Wood, Elms Farmhouse, Mathon.
S.J. & M.A. Davies, Elms Barn, Mathon.

The main points raised are:

1. Concern raised as to the usage of the new access as it will give access to other parts of the estate.
2. The new access will have limited visibility compared to the existing access which is on the outside of a 90 degree bend in the road.
3. To open a new access is against highway regulations.

The applicant's agent has submitted the following information:

1. The site which is presently overgrown but will be sensitively landscaped in consultation with your Landscape Officer.
 2. The new driveway will be in the form of a simple single running track with a central grassed verge bounded by a native hedge and woodland planting.
 3. The replacement annexe is of a simple pleasing pavillion style design.
 4. The new garage is set into an existing opening within the embankment.
- 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 No objections have been raised to either the garage or replacement annexe which are attractive buildings and will not impact upon the Setting of the Listed Building or the Area of Natural Beauty. In fact, with all of the landscaping improvements the area will be enhanced.
- 6.2 Concern has however been expressed about the suitability of the new access. The form of the new access drive and its positioning has raised no objections from the Council's Landscape Officer due to the deciduous landscaping and method of construction. The local residents and Parish Council have objected to the position of the new access, however, the Head of Engineering is satisfied that subject to appropriate conditions a safe access can be accommodated.

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

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

- 5 - The landscaping scheme approved under condition No. 4 above shall be amended with the deletion of *Corpinus Betulus* (Hornbeam) and replacement with *Corylus Avellana* (Hazel).**

Reason: This is more characteristic of the local landscape.

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

Reason: In the interests of highway safety.

- 7 - H05 (Access gate) (5 metres)**

Reason: In the interests of highway safety.

- 8 - H08 (Access closure)**

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

9 - E29 (Occupation ancillary to existing dwelling only (granny annexes))

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

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 - Reasons for the grant of planning permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

24 DCNE2004/2156/F - CONVERSION OF FORMER WORKSHOP AND CONSTRUCTION OF EXTENSION TO FORM SINGLE DWELLING ON SITE TO REAR OF THE ROYAL OAK, THE SOUTHEND, LEDBURY, HEREFORDSHIRE.

DCNE2004/2157/C – AS ABOVE.

For: Mr. & Mrs. P. Scott per Stainburn Taylor Architects, Bideford House, Church Lane, Ledbury, Herefordshire, HR8 1DW

Date Received:

15th June 2004

Ward:

Ledbury

Grid Ref:

71082, 37499

Expiry Date:

10th August 2004

Local Member: Councillor's P.E. Harling, B.F. Ashton & D.W. Rule MBE

1. Site Description and Proposal

- 1.1 The Royal Oak is located on the western side of The Southend, Ledbury, approximately 40 metres south of Upper Cross.
- 1.2 The proposal is to convert and extend an existing building to form a three-bedroom dwelling. On-site garaging and parking together with a small garden are also included. Access will be onto the rear courtyard of The Royal Oak.

2. Policies

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements

CTC7 – Listed Buildings & Conservation Areas

Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns

Conservation Policy 1 – Preserving or Enhancing Conservation Areas

Conservation Policy 2 – New Development in Conservation Areas

Conservation Policy 3 – Setting of Conservation Area

Conservation Policy 11 – The Setting of Listed Buildings

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 The Head of Engineering raises no objections.

5. Representations

5.1 Ledbury Town Council recommend refusal. the Members felt that proposal would result in an increase in traffic thereby having an adverse impact upon:

1. Access and egress.
2. The safety of pedestrians and children walking to and from school (safer routes to schools).

5.2 One letter from Mrs. Margaret Forde , Brewers Cottage, Ledbury confirms no objections provided no windows in the east elevation.

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

6. Officers Appraisal

6.1 This is a well-designed and thoughtful conversion that totally respects the buildings and uses adjoining. The only concern raised is by the Town Council regarding the increase in traffic as a result of this development crossing the safe routes to school footpath running along The Southend. In this respect however there will only be a minimal increase and Members will note that the Head of Engineering raises no objections.

6.2 Since there is no adverse impact on the Setting of the Listed Building or the Conservation Area, it is considered that the proposals comply with policy.

RECOMMENDATION

NE2004/2156/F

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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 - E16 (Removal of permitted development rights)

Reason: To bring any future development under planning control.

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

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

- 6 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 7 - G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

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

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

- 9 - H10 (Parking - single house)

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

Informatives:

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

NE2004/2157/C

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

- 1 - C01 – Time limit for commencement

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.