

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 8th September, 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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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

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<p>1. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 11th August, 2004.</p>	1 - 20
<p>2. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	21 - 22
<p>5. APPLICATIONS RECEIVED</p> <p>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.</p> <p>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.</p> <p>Agenda item number 6 is an application deferred for site inspections at the last meeting and Agenda items 7 - 15 are new applications.</p>	
<p>6. DCNC2004/1529/O - SITE FOR ERECTION OF 8 DWELLINGS AT RIDDLERS PLACE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE</p> <p>For: Mr M Clarke per Wall, James & Davies, 19 Hagley Road, Stourbridge, West Midlands, DY8 1QW</p> <p>Ward: Bringsty</p>	23 - 28

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|-----|---|---------|
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| 11. | <p>DCNE2004/1520/F - PROPOSED INTERNAL ALTERATIONS AND MODIFIED ELEVATIONS AT KEEPERS COTTAGE, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN</p> <p>For: Salters Hill Charity Ltd per R J Durrell, The Corner House, 2 Hambrook St, Charlton Kings, Cheltenham, GL52 6LN</p> <p>Ward: Ledbury</p> | 55 - 58 |
| 12. | <p>DCNE2004/1093/F - 4 NO THREE BEDROOM HOUSES, FORMATION OF NEW ACCESS, CAR PARKING FOR DWELLINGS AND CAR PARKING FOR PUBLIC HOUSE AT WHEATSHEAF INN, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT</p> <p>For: Mr M Howe per RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX</p> <p>Ward: Frome</p> | 59 - 66 |
| 13. | <p>DCNC2004/0569/F - PROPOSED FIRST FLOOR BEDROOM EXTENSION AND SINGLE STOREY GROUND FLOOR EXTENSION AT THE FORBURY, CHURCH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8NQ</p> | 67 - 70 |

For: Mr C Lutton per Mr N La Barre Easters Court Leominster Herefordshire HR6 0DE

Leominster South

- 14. DCNC2004/2275/RM - ERECTION OF HOUSE & GARAGE ON LAND ADJOINING OLD SCHOOL HOUSE, WHITBOURNE, WORCESTER, WR6 5SP** 71 - 74

For: J & G Developments per Gurney Storer & Associates, The Stables, Martley, Worcestershire, WR6 6QB

Ward: Bringsty

- 15. DCNC2004/2223/F - STATIONING OF TWO HEAVY GOODS VEHICLES ON EXISTING YARD AT BRINGSTY GARAGE, BRINGSTY, BROMYARD, WR5 5UJ** 75 - 78

For: Mr J Williams per Mr J C Ashton, The Orchard Office, Union Place, Off Northwick Road, Worcester, WR3 7DX

Ward Bringsty

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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, 11th August, 2004 at 2.00 p.m.

Present: Councillor J.W. Hope (Chairman)
 Councillors: B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, P.J. Dauncey, P.J. Edwards, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton, J.P. Thomas and J.B. Williams (ex-officio)

In attendance: Councillor P.J. Edwards

42. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke and J Stone.

43. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
Mrs JP French	Agenda Item 7 – DCNC2004/0183/LF – Conversion to Snooker Hall and Bar Area and Four Flats at Brook Hall, 27 Broad Street, Leominster, Herefordshire, HR6 8BT	Prejudicial and left the meeting for the duration of this item.

44. MINUTES

RESOLVED: (a) that the Minutes of the meeting held on 14th July 2004 be approved as a correct record and signed by the Chairman.
 (b) that the dates in minute 7 of 16th June (DCNC2003/1895/N - PILOT PLANT FOR ACCELERATED COMPOSTING OF ORGANIC MATERIAL FOR 5 YEARS AT WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX) be altered to tie in with planning permission being granted for a twelve month period.

45. ITEM FOR INFORMATION – APPEALS (AGENDA ITEM 4)

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

46. TREE PRESERVATION ORDER AT OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY (AGENDA ITEM 5)

A report was presented by the Conservation Manager about representations made in relation to a Tree Preservation Order for land at Oak Tree Cottages, Wellington Heath, Ledbury. He explained details of the Order which related to a service tree and an ash tree. He said that investigation had revealed that the ash tree was infected by a fungal growth which could cause it to become unstable and in need of removal and replacement. He therefore suggested that it be excluded from the Tree Preservation Order.

RESOLVED: That the Tree Preservation Order no. 510 be confirmed with modification to remove reference to the ash tree.

47. DCNW2004/1391/F - LAND ADJACENT TO BARBERRY COTTAGE, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UB (AGENDA ITEM 6)

The receipt of a letter of objection was reported. The Principal Planning Officer advised that the consultation period did not expire until 19th August and he suggested that the officers be given delegated authority to determine the application.

Councillor Mrs LO Barnett, the Local Ward Member had a number of concerns about the floor levels of the proposed property because of its location on rising ground and the impact this would have on the adjoining property. She suggested that there was merit in consideration of the application being deferred to enable the consultation period to expire and for further discussion to be held with the applicant about reducing the proposed height of the floor levels and considering the removal of the conservatory.

RESOLVED: That consideration of the application be deferred pending the above.

48. DCNC2004/0182/F - DCNC2004/0183/L - BROOK HALL, 27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8BT (AGENDA ITEM 7)

The receipt of a letter from the applicants stating that they would use the ground floor only of the property was reported.

In accordance with the criteria for public speaking Mr James spoke against the application.

RESOLVED: That planning permission and 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), Policy CTC.7 of the Hereford and Worcester County Structure Plan and the advice contained in PPG15 Planning and the Historic Environment.**

49. DCNC2004/1529/O - RIDDLEERS PLACE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE (AGENDA ITEM 8)

The Sub-Committee agreed to a request from the Local Ward Member that a site inspection should be held.

RESOLVED: That consideration of the application be deferred pending a site inspection in the following grounds:

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

50. DCNC2004/1799/F - CROFT COTTAGE, ULLINGSWICK, HEREFORD, HEREFORDSHIRE, HR1 3JQ (AGENDA ITEM 9)

In accordance with the criteria for public speaking Mr Telford spoke in favour of his 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 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 in writing 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

51. DCNC2004/1813/F - THE BEECH FARM, HAYNALL LANE, BRIMFIELD, HEREFORDSHIRE, SY8 4BG (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 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

52. DCNC2004/1925/F - ROWDEN MILL STATION, ROWDEN LANE, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS (AGENDA ITEM 11)

The receipt of two letters of support was reported.

In accordance with the criteria for public speaking Mr Lock and Mr Sutton spoke against the application.

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

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

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

2 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 Saturday, 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 previously 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 trip 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 in writing 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, and shall be made available for inspection by the local planning authority upon request.

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

53. DCNW2004/0885/F - FOREST LODGE, DARK LANE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ (AGENDA ITEM 12)

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

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

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

2 B01 (Samples of external materials)

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

3 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

54. DCNW2004/1236/F - THE LIMES, NORTON CANON, HEREFORDSHIRE, HR4 7BP (AGENDA ITEM 13)

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. 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

55. DCNW2004/1257/F - 27 LLEWELLIN ROAD, KINGTON, HEREFORDSHIRE, HR5 3AB (AGENDA ITEM 14)

Councillor TM James the Local Ward Member was disappointed to learn that the applicants were not prepared to negotiate the size of the extension and abstained from the voting.

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

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

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

2 - B02 (Matching external materials (extension))

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

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

56. DCNW2004/1479/F - DCNW2004/1486/L - LITTLE CROASE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9RZ (AGENDA ITEM 15)

The receipt of comments from the Council's Ecologist and revised plans from the applicant was reported. The Principal Planning Officer advised that minor alterations would need to be made to the conditions if the Committee decided to grant planning permission. He advised that the hours of operation were 8:00 a.m. – 6:00 p.m. Monday to Friday and 8:00 a.m. – 1:00 p.m. on Saturdays with no work permitted on Sundays or on Bank Holidays. The Sub-Committee decided that the proposals were acceptable subject to there being no work permitted on each Saturday. The Principal Planning Officer said that this would need to be first agreed with the applicants.

RESOLVED: That planning permission be granted, with the following condition that there be no working permitted on Saturdays and an additional condition relating to the mitigation and compensation for the bats and nesting birds identified on site:-

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.
- 16 The conversion of the barn hereby approved shall be carried out strictly in accordance with the mitigation, compensation and habitat creation measures set out in the Ecological Survey for the Barn at Little Croase, received on 15th July, 2004, but, notwithstanding its recommendations, prior

to the commencement of the conversion works, full details of the location and construction of the bat loft and other habitat creation measures associated with the raised ridge tiles and access slits shall be submitted to and approved in writing by the local planning authority and thereafter maintained in accordance with the details as approved.

Reason: To ensure that the nature conservation interest of the site is protected.

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

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**

57. DCNW2004/1680/F - STAPLETON CASTLE COURT, STAPLETON, PRESTEIGNE, HEREFORDSHIRE, LD8 2LS (AGENDA ITEM 16)

Councillor Mrs LO Barnett the Local Ward Member was concerned that previous planning permissions had not included conditions about removal of the corrugated metal roof and its replacement with a more suitable material for the historic setting of the area. She also wished to ensure that a new vehicular access was not created onto the highway from the site. The Sub-Committee shared the concerns of the Local Ward Member about the corrugated roofing but the Principal Planning Officer advised that there were others in the area and that it would therefore be difficult to impose conditions requiring other materials.

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) 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

58. DCNW2004/1841/F - COURT HOUSE FARM, BYTON, PRESTEIGNE, HEREFORDSHIRE, LD8 2HS (AGENDA ITEM 17)

Councillor Mrs LO Barnett the Local Ward Member had a number of concerns about the application. These revolved around the location of the proposed barn; the storing of potato cases near to The Rectory boundary; early morning vehicles causing disturbance to residents; lorry movements; the unsuitability of the local highway network for heavy vehicles and damage and mud caused to the passing places and road; inadequate signage to the location and the potential hazard of the highway being completely blocked if a heavy vehicle was loading or unloading adjacent to the site, staggering of deliveries, limitation of loading and unloading times and provision of additional passing places.

The Sub-Committee shared the concerns of the Local Ward Member and Councillor BF Ashton was concerned about the impact of the application on the Area of Great Landscape Value and surprised that the Highways Department were not concerned about the potential highway safety hazards. It was therefore agreed that the concerns should be investigated further before permission was granted.

RESOLVED: That the officers named in the scheme of delegation to officers be authorised to grant permission subject to first consulting the Chairman of the Sub-Committee and Local Ward Member about dealing with the above concerns and subject to the following conditions, the application to be referred back to the Sub-Committee if the concerns could not be resolved:

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

59. **DCNW2004/1931/F - THE GREEN, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EQ (AGENDA ITEM 18)**

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

Councillor RJ Phillips the Local Ward Member felt that the proposed extension was fairly modest and would not have much greater impact than the existing planning permission for a ground floor extension. He suggested that if the proposed extension was limited to being constructed to the rear of the property, and permitted development rights were removed, that planning permission could be granted. The Sub-Committee concurred with his views noting that the appearance of the building when viewed from the front would not be altered if the extension was confined to the rear of the property.

RESOLVED: That :

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions**

set out below and any further conditions felt to be necessary by the Head of Planning Services provided that the Head of Planning Services does not refer the application to the Planning Committee;

- 1) no permitted development rights;
- 2) the extension to be at the rear of the property

(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.)

60. DCNW2004/1967/F - TODDEN COTTAGE, LOWER TODDING, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE (AGENDA ITEM 19)

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

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

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

2. B01 (Samples of external materials)

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

61. DCNW2004/2168/F - MOLEBANK COTTAGE, NEWTON LANE, KINGTON, HEREFORD (AGENDA ITEM 20)

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

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

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

2. B01 – Samples of external materials

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

Informatives

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

62. DCNE2004/2166/F - 5 BROOKE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2UP (AGENDA ITEM 21)

In accordance with the criteria for public speaking Mr Collins spoke in favour of his 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 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

63. DCNE2004/1546/F - TRUMPET INN, TRUMPET, LEDBURY, HEREFORDSHIRE, HR8 2RA (AGENDA ITEM 22)

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

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

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

2 A07 – (Development in accordance with approved plans) (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 prior agreement in writing of the Local Planning Authority.

Reason: To protect the landscape character of the area.

5 The development hereby approved shall relate solely to the siting of touring caravans.

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

Informative:

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

2 This permission relates to touring caravans only

64. DCNE2004/831/F - PARKERS, MATHON, MALVERN, WR13 5NX (AGENDA ITEM 23)

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

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

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

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

2 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.

65. DCNE2004/2156/F - DCNE2004/2157/C - SITE TO REAR OF THE ROYAL OAK, THE SOUTHEND, LEDBURY, HEREFORDSHIRE. (AGENDA ITEM 24)

RESOLVED:

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

The meeting ended at 4:55 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNE2004/0586/F**

- The appeal was received on 30th 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 P Neale
- The site is located at Larks Hey, Lower Churchfields, Cradley, Malvern, Herefordshire, WR13 5LL
- The development proposed is Proposed two storey extension and replacement of gable wall
- The appeal is to be heard by Written Representations

Case Officer: Kevin Bishop on 01432-261803**Application No. DCNE2004/0587/L**

- The appeal was received on 30th 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 P Neale
- The site is located at Larks Hey, Cradley, Malvern, Herefordshire, WR13 5LL
- The development proposed is Two storey extension and replacement gable end
- The appeal is to be heard by Written Representations

Case Officer: Kevin Bishop on 01432-261803**Application No. DCNC2004/0321/F**

- The appeal was received on 10th August 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 S & A Property Ltd
- The site is located at Brierley Court Farm, Brierley, Leominster, Herefordshire, HR6 0NU
- The development proposed is Construction of amenity building, toilet buildings and siteworks for 300 unit caravan standing for farmworkers accommodation.
- The appeal is to be heard by the Inquiry Procedure

Case Officer: Mark Tansley on 01432-261956**Application No. DCNC2004/0902/F**

- The appeal was received on 10th August 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 S & A Property Ltd
- The site is located at Brierley Court Farm, Brierley, Leominster, Herefordshire, HR6 0NU
- The development proposed is Proposed sewage treatment plant and pumping station
- The appeal is to be heard by the Inquiry Procedure

Case Officer: Mark Tansley on 01432-261956

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

APPEALS DETERMINED

Application No. DCNC2003/1666/F

- The appeal was received on 11th December 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs J D L Ballinger
- The site is located at Land adjacent to Ladywell Lane, Bodenham, Herefordshire
- The application, dated 4th June 2003, was refused on 22nd July 2003
- The development proposed was Detached 4 bed border oak cottage for holiday accomodation and garage
- The main issues are whether the proposed development:
 - (a) would be materially harmful to the character and appearance of the locality, and
 - (b) would, in accordance with duty under Section 72, Planning (Listed Buildings and Conservation Areas) Act 1990, preserve or enhance the character or appearance of the Bodenham Conservation Area.

Decision: The appeal was **DISMISSED** on 30th July 2004
Case Officer: Philippa Lowe on 01432-383085

Application No. DCNE2003/3114/F

- The appeal was received on 11th March 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 I Locker
- The site is located at Bayern, Walwyn Road, Colwall, Malvern, Herefordshire, WR13 6QG
- The application, dated 14th October 2003, was refused on 11th December 2003
- The development proposed was Two storey extension to existing dwelling

Decision: The appeal was **WITHDRAWN** on 13th August 2004
Case Officer: Kevin Bishop on 01432-261803

Application No. NE2003/1119/F

- The appeal was received on 10th December 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr J Quentin
- The site is located at Land adjacent (west) Briar Croft, Catley, Nr Ledbury, Herefordshire
- The application, dated 10th April 2003, was refused on 3rd June 2003
- The development proposed was Erection of agricultural/general purpose building.
- The main issue is the effect of the proposed development on the character and appearance of the area, having regard to policies for development in the countryside

Decision: The appeal was **DISMISSED** on 17th August 2004
Case Officer: Edward Thomas on 01432-261795

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

NORTHERN AREA PLANNING SUB-COMMITTEE

8 SEPTEMBER 2004

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

**For: Mr M Clarke per 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 Hunt

Introduction

This application was deferred at the last meeting of the Northern Area Planning Sub-Committee for a site visit, which took place on 23 August 2004.

1. Site Description and Proposal

1. Ridlers 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 SummaryStatutory 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 defined settlement boundary and as such is located in open countryside. Any housing 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 this well-established and founded planning policy 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.

DCNW2004/2307/F - TO CONTINUE THE VARIATION GRANTED LAST YEAR PLANNING PERMISSION NW2002/3646/F FOR OPENING HOURS MONDAY TO THURSDAY FROM 0700 TO 2200 AND SATURDAY 0700 TO 1800. FRIDAY AND SUNDAY NO CHANGE AT TEME VALLEY YOUTH PROJECT, KINGS MEADOW, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UX

For: Teme Valley Youth Project Ltd.

Date Received:

21st June 2004

Ward:

Mortimer

Grid Ref:

41750, 68604

Expiry Date:

16th August 2004

Local Member: Councillor Mrs L.O. Barnett

1. Site Description and Proposal

- 1.1 The Teme Valley Youth Project (TVYP) is located in a purpose-built, modern building on the north-east side of the A4110 and the south-east outskirts of the village of Wigmore. The building is located in close proximity to the Kings Meadow housing estate and an isolated property known as Pear Tree Farm to the south.
- 1.2 The existing building and associated works were allowed on appeal, pursuant to Application No. 98/0046/N. In determining the appeal, the Inspector attached the following condition:
- The premises shall not be open for use outside the following hours:
- 0700 - 1800 hours Mondays to Fridays
0700 - 1300 hours Saturdays, nor at any time on Sundays or Bank Holidays
- 1.3 Subsequently, on 19th December, 2001, Northern Area Planning Sub-Committee allowed a temporary one-year variation of this condition to enable the use of the facility until 2200 hours Monday to Wednesday and until 1800 hours on Saturdays.
- 1.4 This was subsequently re-considered on 25th June, 2003, pursuant to Application No. NW2002/3646/F, which sought to continue the already approved hours and to allow the facility to be open until 2200 hours on Thursdays. The existing and additional hours were granted permission for a further year, which expired on 25th June, 2004.
- 1.5 This application, which was received by the Local Planning Authority prior to the expiration date, seeks to continue the temporarily approved hours and requests that these be granted on a permanent basis.
- 1.6 In essence, permission is sought to allow the TVYP building to be used on Mondays - Thursdays from 0700 - 2200 hours and on Fridays and Saturdays from 0700 - 1800 hours. The use of the building would still be precluded on Sundays and Bank Holidays.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A1 - Managing the District's Assets and Resources
Policy A54 - Protection of Residential Amenity
Policy A61 - Community, Social and Recreational Facilities

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 - Development Requirements
Policy DR2 - Land Use and Activity
Policy CF5 - New Community Facilities

3. Planning History

97/0673/N - Resource Centre for locally based young persons, comprising 6 No. workshops, training, education and social facilities, together with 7 No. accommodation units and landscaping works.

Refused: 9th December, 1997.

98/0046/N - Resource Centre for locally based persons, comprising workshops (6 No.) training, educational and social facilities, together with parking and landscaping works.

Refused: 10th March, 1998. Allowed on Appeal: 4th August, 1998.

NW2001/2799 - Variation of Condition 7 of Planning Permission 98/0046/N to extend opening hours for 12 months.

Approved: 19th December, 2001.

NW2002/3646/F - Continue variation granted by NW2001/2799/F and request additional hours from 0700 - 1200 hours on Thursdays.

Approved for a further one-year period: 25th June, 2003.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations

Internal Council Advice

4.2 Head of Environmental Health and Trading Standards comments as follows:-

"The Environmental Health Department has received a couple of complaints regarding noise from music from people sat in their cars at the car park at these premises. These issues have now been dealt with and no further complaints have been received. It should be borne in mind that the Environmental Health Department has powers under the Environmental Protection Act 1990 to deal with statutory noise nuisance should it arise."

4.3 Head of Engineering and Transportation raises no objection to the grant of planning permission

5. Representations

5.1 One letter of objection has been received from Jill Fieldhouse and Steve Dawson of Pear Tree Farm, Wigmore, raising the following concerns/comments:

-no objection to the continuation of the extension of hours to 2200 on Monday, Tuesdays and Wednesdays. Noise is experienced on some nights, particularly during the summer when windows are open and activities spill out into the garden. However, organisers have sought to move live music activities into another room and generally try to tone it down.

-we do object to hours being extended on Thursday and Saturday in particular. Thursdays and Saturdays seldom used. If summer youth events were to extend into Saturday afternoons, this would ruin summer weekends for ourselves and our guests.

5.2 Wigmore Parish Council - comments are awaited (consultation period expired 3rd August, 2004)

5.3 One letter of support received from Chairman of the Hereford Hospitals NHS Trust, commenting on the importance of this valuable and worthwhile project.

5.4 A signed petition with some 43 signatories, supporting the permanent continuation of hours as proposed has been received.

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 In planning policy terms, the key consideration in the determination of this application is the impact of the continuation of the temporarily approved hours on the living conditions of local residents.

6.2 In common with the previous application, there is a general acceptance of the hours operated on Mondays to Wednesdays, but continuing opposition to permanent extension to 2200 hours on Thursday and 1800 hours on Saturday. The use on Saturday being of particular concern to the residents of Pear Tree Farm, who raise

concerns about noise during summer weekends and the effect on their living conditions and those of their B & B guests.

- 6.3 These strongly held views must be balanced against the need for the TVYP and the services it provides to remain accessible. Evidence of the continuing expansion of youth activities has been provided, including the Teme Valley Youth Group, who have regular sessions on Mondays, Wednesdays and Thursdays; learning-based activities involving access to computers, first aid courses and learning to drive; and community-based use, including Teme Valley Young Farmers, the Mortimer Country Consortium and the Wigmore Baby and Toddler Group. It is indicated that this increasing range of activities and users have been making regular use of the facility throughout the week.
- 6.4 Furthermore, although several complaints have been received by the Environmental Health Department, the Head of Environmental Health and Trading Standards does not raise a specific objection to continuation of the current hours. It is suggested that, notwithstanding this, if a statutory nuisance does arise, there are powers under the Environmental Protection Act, 1990, to deal with such instances. These would continue to protect neighbours from unacceptable nuisance, both during and outside the proposed hours.
- 6.5 Whilst acknowledging the continuing concerns of the occupiers of Pear Tree Farm, the fundamental test in planning terms is whether the continuing use of the facilities for the hours requested would result in demonstrable harm to amenity. Having reviewed the temporary arrangements approved so far and, in recognition of the advice of the Head of Environmental Health and Trading Standards, it is considered acceptable to recommend that the use of the facility until 2200 hours on Monday to Thursday and until 1800 hours on Saturday is made permanent.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. That Condition 7 of permission 98/0046/N, issued on 4th August, 1998, be deleted and replaced by the following new condition:-**

1. The premises shall not be open for use outside the following hours:

**0700 - 2200 on Mondays, Tuesdays, Wednesdays and Thursdays
0700 - 1800 on Fridays and Saturdays and at no time on Sundays or Bank Holidays**

Reason: In the interests of the amenities of local residents

Decision:

Notes:

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Internal departmental consultation replies.

**DCNW2004/1656/RM - NEW AGRICULTURAL
DWELLING AT NASH GROUND, GREEN LANE, TITLEY,
HEREFORDSHIRE, HR5 3RW**

For: Mr A Goodwin at above address.

Date Received:
6th May 2004

Ward:
Pembridge &
Lyonsshall with Titley

Grid Ref:
32241, 61409

Expiry Date:
1st July 2004

Local Member: Councillor Roger Phillips

1. Site Description and Proposal

- 1.1 The application site occupies a prominent and elevated position within an Area of Great Landscape Value. It is approached via an unclassified road (Green Lane) which ultimately joins the B4355, adjacent to the Stag Inn at Titley.
- 1.2 A public footpath (RN21) runs along the southern boundary of the site, which is defined by a mature, natural hedgerow. To the west of the site is an existing, modern, agricultural storage building, whilst, to the east, is an established group of farm buildings and a farmhouse, comprising Green Lane Farm.
- 1.3 Outline planning permission was granted for an agricultural dwelling on the site, pursuant to Application No. NW2002/3894/O on 29th April, 2003. Further to this, a reserved matters application for a dwelling with a gross floor area of 235 square metres was refused, pursuant to Application No. NW2004/0663/RM.
- 1.4 This revised application seeks reserved matters approval for a dwelling with a total gross floor area of approximately 197 square metres. The proposed dwelling would have a maximum height of 7.7 metres and would be constructed in stone, render and slate. It would be positioned parallel to the main access road behind the existing hedgerow and set back sufficiently so as to avoid the alignment of the public footpath.

2. Policies

Government Guidance

PPS7 - Sustainable Development in Rural Areas

Hereford and Worcester County Structure Plan

CTC2 - Areas of Great Landscape Value

CTC9 - Development Requirements

A4 - Agricultural Dwellings

A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A24 - Scale and Character of Development
A43 - Agricultural or Forestry Dwellings
A78 - Protection of Public Rights of Way

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development
S2 - Development Requirements
S7 - Natural and Historic Heritage
DR1 - Design
DR2 - Land Use and Activity
H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
LA2 - Landscape Character and Areas Least Resilient to Change

3. Planning History

NW20023894/O - Agricultural Dwelling.
Approved 29th April, 2003.

NW2001/3298/S - Erection of Fodder Store.
Prior Approval Not Required 9th January, 2002.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raises no objection, subject to a scheme of foul drainage provision being submitted and approved.

Internal Council Advice

- 4.2 Head of Engineering and Transportation raises no objection, subject to a condition requiring parking and turning provision.
- 4.3 Public Rights of Way Manager raises no objection, subject to conditions preserving the historic width of the public right-of-way intact and free from encroachment or obstruction.

5. Representations

- 5.1 Rodd, Nash and Little Brampton Parish Council states that there are no local objections to this plan.

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 principle of an agricultural worker's dwelling has been accepted through the granting of outline permission, pursuant to Application No. NW2002/3894/O and, accordingly, the key issues for consideration in the determination of this application are an assessment of the commensurate size of the dwelling in relation to the farming enterprise and the impact of the dwelling on the character and appearance of the Area of Great Landscape Value.
- 6.2 In this particular case, the enterprise consists of a mixed dairy, livestock and arable holding, farmed in two distinct units. Approximately 304 hectares is owned at Nash, which is predominantly used for livestock grazing, rearing of the dairy herd and supporting the beef cattle, breeding ewes, grazing ewes and store lambs. The larger unit comprises tenanted land, running to 34 hectares, with associated farmhouse and building and is located at The Parks, Almeley, some six kilometres from the application site. The Parks is primarily focussed on supporting the 95-strong dairy herd.
- 6.3 In essence, the dwelling at the application site, constitutes the second property, supporting what is acknowledged to be the smaller part of the overall holding but, nevertheless, one which has and will become more intensively used, due to changes in legislation, placing greater restrictions on livestock numbers within Nitrate Vulnerable Zones (The Parks being situated in such an area).
- 6.4 Notwithstanding the support for an additional dwelling at Nash, it is considered that the dwelling, as proposed, remains significant in size. With a total gross floor area of some 192 square metres, it exceeds the size of the dwelling recently approved at The Limes, which totalled 177 square metres and which represented the principal farmhouse on a holding extending to 56 hectares.
- 6.5 The overall size and potential cost of constructing an essentially four-bedroomed dwelling in natural stone and slate on this comparatively smaller part of the enterprise, would not result in development commensurate with the identified need and would have significant cost implications, leading to serious doubts about its future affordability and availability to farm workers seeking suitable accommodation in future years.
- 6.6 Accordingly, it is considered that the proposal, as submitted, would fail to satisfy the advice set out in Annexe A of Planning Policy Statement 7 – Sustainable Development in Rural Areas, which has recently superseded the requirements of Planning Policy Guidance 7 – The Countryside, Environmental Quality and Economic and Social Development.
- 6.7 In addition to the above, the substantial size of the dwelling, which has a frontage of 15.3 metres and a maximum height of 7.8 metres, together with its prominent siting adjacent to a public footpath and elevated position within an Area of Great Landscape Value, is such that, in the absence of a strong justification for its size, there is considered to be unnecessary harm to the character and appearance of the area, contrary to Policy A9 of the Leominster District Local Plan (Herefordshire).

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposed dwelling, in view of its overall size, is not considered to be commensurate with the established functional need of the farming enterprise and, as such, the future occupation of the property, in accordance with the occupancy condition, would be compromised due to the relatively high value of such a property. Consequently, the proposal is contrary to the advice set out in Annexe A of PPS7 - Sustainable Development in Rural Areas

2. The proposed dwelling, by reason of its size and prominent location, would constitute a conspicuous feature within the landscape, which is designated as an Area of Great Landscape Value. In the absence of an over-riding need for a dwelling of this size, it is considered that there will be a detrimental effect on the character of the site and surroundings, which would be contrary to Policy CTC2 of the Hereford and Worcester Country Structure Plan and Policy A9 of the Leominster District Local Plan (Herefordshire).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNW2004/2056/O - DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND SITE FOR CONSTRUCTION OF 3 NO. FOUR BEDROOM DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, SY7 0LQ

For: S D & J M Wicks per Stephen Funge Architechural Design, Dartmoor View, Queen Street, Winkleigh, Devon, EX19 8JB

Date Received:

7th June 2004

Ward:

Mortimer

Grid Ref:

40338, 74527

Expiry Date:

2nd August 2004

Local Member: Councillor Mrs L O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a 0.19 hectare plot, located on the western side of the A4113 (High Street). An existing bungalow (Burnside) and a detached garage occupy an elevated position above the road level and are set back some 20 metres from the highway, behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood Rise and The Old Police House respectively, which have fenced and planted boundaries.
- 1.2 The rear garden of the bungalow benefits from mature landscaping, including coniferous trees and hedgerows along the boundary with Meadowbank to the west. Noteable trees in the densely planted rear garden include a copper beech, blue cedar, rowan and a silver birch.
- 1.3 The site lies within the settlement boundary of Leintwardine, but outside the Conservation Area and the Scheduled Ancient Monument. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two-storey scale. The whole of Leintwardine is designated as a Landscape Protection Area.
- 1.4 Outline planning permission is sought for the demolition of the bungalow and garage and the erection of 3 detached dwellings. The application seeks formal consideration of the siting and means of access, but reserves design, external appearance and landscaping for future consideration.
- 1.5 The layout of the proposed development has been revised to reduce the impact upon Needwood Rise by moving the two-storey element some 4 metres from the side elevation of the property and integrating the proposed garaging, in order to avoid development at the front of the site.

1.6 An indicative "View from High Street" has been provided, showing the visual relationship of the proposed development in relation to the neighbouring properties.

1.7 A Members' site visit took place on 26th July, 2004.

2. Policies

2.1 Government Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

CTC9 - Development Requirements

CTC11 - Trees and woodlands

CTC18 - Development in Urban Areas

2.3 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 and Their Settings

A23 - Creating Identity and an Attractive Built Environment

A24 - Scale and Character of Development

A25 - Protection of Open Areas or Green Spaces

A54 - Protection of Residential Amenity

A55 - Design and Layout of Housing Development

A70 - Accommodating Traffic from Development

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development

S2 - Development Requirements

S3 - Housing

S7 - Natural and Historic Heritage

DR1 - Design

DR2 - Land Use and Activity

DR3 - Movement

DR4 - Environment

H4 - Main Villages: Settlement Boundaries

H13 - Sustainable Residential Development

H14 - Re-Using Previously Developed Land and Buildings

H15 - Density

H16 - Parking

LA5 - Protection of Trees, Woodland and Hedgerows

HBA4 - Setting of Listed Buildings

2.5 Leintwardine Village Design Statement

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water raises no objection, subject to conditional control over foul and surface water drainage arrangements.

Internal Council Advice

4.2 Head of Engineering and Transportation raises no objection, subject to access, parking and turning areas being provided, in accordance with the submitted plan.

4.3 Chief Conservation Officer comments as follows:-

4.4 Landscape Officer - The proposed dwellings can be built without damage to the roots within the canopy spread of the prominent copper beech, blue cedar, rowan and silver birch in the rear garden of the bungalow. However, the cedar and beech are approximately half their mature size and, as a result, there will be future conflict between the growing trees and the residential properties. The canopy and root spread may cause damage to the built structures and there will be light loss associated with Plots 2 and 3. No objection to the development of the site, but the rear building line should not be any further west than the neighbouring properties, allowing greater space for the trees to grow. It is recommended that the cedar is felled to allow space for the proper development of the copper beech. All other trees can be effectively retained. Conditions should be attached regarding protective fencing during construction and require landscape scheme to be submitted.

4.5 Senior Historic Buildings Officer - No objections to the proposal, provided materials sympathetic to adjacent listed building.

5. Representations

5.1 At the time of writing, a total of 18 individual letters of objection have been received. A petition including 20 signatories objecting to the amended plans has also been received.

5.2 The concerns raised can be summarised as follows:-

Loss of privacy;
Detrimental to the Schedule Ancient Monument
No respect for the identify of the village
Out of character with this part of High Street/Jay Lane
Noise associated with additional car traffic
Cramped development
No pedestrian access to the site

Affordable housing required in the village
Density not suited to a village like Leintwardine. Density too great.
Mature trees bound to be lost
Additional vehicular use of existing access will be detrimental to highway safety
Question need for housing of this type in the village
Poor visibility at access onto main road
Serious impact on neighbouring property (noise and loss of sunlight)
Village lies within a Landscape Protection Area
Village must not be degraded by building speculation and outside interests
Precedent for whole village sett
Loss of important space within the village
No justification for demolition of bungalow
Dwellings too tall, dense and out of keeping
Any windows in south elevation will overlook my property
Car lights will shine into my property

5.3 The signed petition objects to the amended plans on the following five points:

- (i) cramped development
- (ii) no respect for building density
- (iii) scale, height and mass of proposed buildings
- (iv) degree of overlooking and lack of privacy
- (v) degradation of village character

5.4 Leintwardine Parish Council commented as follows to the original proposal:

"The parishioners objecting to this application made several points which included:

Proposal not in fitting environmentally or with the conservation area. Three houses were too cramped for the plot, houses would be overlooked causing a blight. Lack of privacy. Detrimental impact on established trees. Questioned the need for a policy on people buying houses with larger than average gardens and seeking development.

It was felt that the housing density as proposed was too dense. It conflicted with council's policy of supporting starter homes in the village rather than executive developments. The garages would be outside the building line. Generally, the councillors agreed with the parishioners.

Decision: Application be rejected. The meeting suggested that there be a site visit by the County Planning Committee."

5.5 Comments on the amended plans reiterate that the density is too great and the proposal is out of character with the surrounding area. An application to build 2 homes would be more acceptable.

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

6. Officers Appraisal

- 6.1 This is an outline application, which seeks approval for the siting of three detached dwellings and the access thereto. At this stage, the design, external appearance and landscaping of the site are not matters requiring detailed consideration. The application has generated a significant number of objections locally and was also the subject of the members' site visit, which took place on 26 July, 2004.
- 6.2 The key issues for consideration in the determination of this application are as follows:
- a) the principle of residential infill on the Burnside plot;
 - b) the effect of the proposal on the character and appearance of the surrounding area;
 - c) the wider landscape impact of the proposal, having regard to the Landscape Protection Area designation and the trees on site;
 - d) the effect of the proposal upon the amenities of neighbouring occupiers; and
 - e) highway safety and access issues.

Principle of Residential Infill

- 6.3 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Leintwardine.
- 6.4 Government guidance set out in PPG3 – Housing establishes minimum thresholds for the density of development on residential infill sites and seeks to promote more effective use of land by encouraging densities between 30 and 50 dwellings per hectare. Emerging Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) reflects this guidance.
- 6.5 In essence, this is a site which, according to Government guidance and adopted policies, is potentially suitable for higher density, residential development than currently exists.

Character and Appearance of the Area

- 6.6 Notwithstanding the advice set out in Government guidance, development proposals should not cause harm to the character and appearance of the site and its surroundings. In this case and in response to a number of comments made, it should be stressed that the site does not lie within the Leintwardine Conservation Area, neither is it within the area defined as the Scheduled Ancient Monument.
- 6.7 An assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles, ranging from the historic listed property (Plough Cottage - the roadside setting of which would not be detrimentally affected by this proposal), detached single-storey and two-storey development to the north, south and west and two-storey terraced housing (in blocks of four) to the east.
- 6.8 The application site is clearly low in density (approximately 5 dwellings per hectare), whilst the terraced blocks opposite achieve a density of just over 33 dwellings per hectare.

- 6.9 Within this mixed residential environment, the application proposal would involve a density of some 16 dwellings per hectare. Clearly, this falls well below the threshold set by Government guidance, but represents what is regarded as a reasonable compromise within the context of the village.
- 6.10 In terms of siting, the dwellings would respect the linear pattern of existing development being set back into the site and reflecting the building line defined by the properties on either side. Furthermore, the two-storey scale is one that exists in the area and, by reference to the indicative "View from High Street" elevation, does not appear out of keeping with the size of dwellings in the vicinity.
- 6.11 There will inevitably be a loss of space to the sides of the existing bungalow but, having regard to the prevailing character of this part of High Street, it is not considered that this will cause demonstrable harm and, as such, would accord with Policies A1, A23 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.12 Since the application is in outline form, the design and external appearance of the dwellings is reserved for future consideration, but will inevitably require careful attention, in order to preserve the character and appearance of the surrounding area.

Impact on Landscape Protection Area and Trees

- 6.13 Policy A9 of the Leominster District Local Plan (Herefordshire) promotes the conservation and enhancement of the rural landscape, referring specifically to the importance of the Landscape Protection Area designation. This covers the whole of the village and the wider countryside to the Shropshire boundary to the north and Wigmore to the south.
- 6.14 Clearly, its key significance is in protecting the area from inappropriate isolated development, with the weight attached being reduced in respect of existing settlements such as Leintwardine
- 6.15 It has been suggested that the scale and density of this development accords with the residential character of the area and, as such, the landscape designation carries lesser weight. No objection to the principle of residential development has been raised by the Chief Conservation Officer.
- 6.16 In local landscape terms, the trees on site are considered to be of high amenity value and should be retained. Within the context of the coniferous and ornamental shrub planting, there are 4 trees worthy of retention (a copper beech, blue cedar, rowan and silver birch) at the rear of the site, although it is recommended that the blue cedar should be felled to allow the copper beech to grow unimpeded.
- 6.17 The revised siting of the proposed dwelling would enable the retention of the trees and, subject to conditions requiring fenced protection during construction, these trees would not be unduly affected and can therefore be preserved.
- 6.18 In the light of the above, the requirements of Policies A9 and A10 of the Leominster District Local Plan (Herefordshire) are satisfied.

Neighbouring Amenities

- 6.19 In terms of privacy, a condition would be attached to ensure that no windows were installed in the south elevation of Plot 1 and the north elevation of Plot 3, which would, in the light of the relative siting of the proposed dwellings in relation to the neighbouring property, ensure that no harmful overlooking would occur.
- 6.20 In addition to the above, the position of Plot 3 in relation to Needwood Rise has been amended such that the proposed two-storey element would be some 4 metres from the blank side elevation of the bungalow and, accordingly, would not have such an adverse impact on daylight and sunlight such that the refusal of planning permission would be justified. Approximately 8 metres is achieved between Plot 1 and The Old Police House and some 25 metres to the property to the west, which would not result in an unacceptable, overbearing effect on these properties.
- 6.21 In view of the above, the scale of the development would not cause serious harm to the amenities of neighbouring occupiers and, subject to control of the hours during which demolition and construction is undertaken, Policy A54 of the Leominster District Local Plan (Herefordshire) is satisfied.

Highway Safety and Access

- 6.22 Means of access is the other issue requiring formal consideration at this stage and appropriate visibility splays of 2 metres by 60 metres in either direction can be achieved through the regrading of the existing roadside embankment and the trimming back of trees and shrubs. This is recognised by the Head of Engineering and Transportation, who raises no objection to the access arrangements.
- 6.23 In response to the concerns raised locally, it is recognised that none of the properties on the western side of High Street has the benefit of direct pedestrian access, with occupants required to cross the road. Clearly, the proposal will result in additional pedestrian activity, but this would not be so significant or such a threat to pedestrian safety that grounds for refusal could be substantiated.
- 6.24 Subject to conditions requiring the proper provision and retention of the proposed parking and turning areas, no objection is raised.

Conclusion

- 6.25 This application has generated a significant number of objections but, in planning policy terms, it is considered that the principle of residential development is acceptable and, furthermore, the density and siting of the proposed dwellings would not be out of keeping with the prevailing character of residential development in the locality,, whilst enabling the retention of the existing trees on the site. With minor modifications, the access can be improved to meet the minimum visibility requirements and, as such, it is not considered that there are sufficient grounds to oppose this proposal.

RECOMMENDATION

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

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

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

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

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

3 - A04 (Approval of reserved matters)

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

4 - A05 (Plans and particulars of reserved matters)

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

5 - B01 (Samples of external materials)

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

6 - E16 (Removal of permitted development rights)

Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.

7 - E18 (No new windows in south elevation of Plot 1 and north elevation of Plot 3)

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

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - G06 (Scope of landscaping scheme)

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

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - H13 (Access, turning area and parking)

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

12 - H27 (Parking for site operatives)

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

Informatives:

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

6 - Wildlife and Countryside Act 1981

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNW2004/2007/F - ERECTION OF PROPOSED FARM WORKERS DWELLING AND ANCILLARY SINGLE GARAGE PART OS 4932, MARSH HOUSE, WEOBLEY, HEREFORDSHIRE, HR4 8RS

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

Date Received:
1st June 2004

Ward:
Golden Cross with
Weobley

Grid Ref:
41503, 51325

Expiry Date:
27th July 2004

Local Member: Councillor J. Goodwin

1. Site Description and Proposal

- 1.1 The application site comprises a 0.1 hectare plot of land to the east of the main farm complex. The associated farm enterprise consists of land at both Marsh House and The Field. The business is a mix of sheep and arable, comprising a ewe flock of 800 and 135 acres of arable cropping. The livestock element of the operation is operated out of Marsh House, with both Mr Davies Senior and Junior residing in Marsh House. The Field is operated by Mr Davies Senior's brother, who also lives on this site.
- 1.2 The proposal consists of a two-storey, three-bedroom dwelling, with a detached, single-storey garage adjacent to the main dwelling. The dwelling is characterised by dormer openings in the front and rear, a timber-boarded, attached utility and a brickwork chimney. The dwelling would principally be of structural oak frame with render. The roof is proposed to be plain clay tiles. The dwelling would have a floor area of approximately 160 metres square.

2. Policies

2.1 National Policies

PPG1 - General Policy and Principles
PPG7 - Countryside

2.2 Hereford and Worcester County Structure Plan

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

2.3 Leominster District Local Plan

A1 - Managing the District's Assets and Resources
A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A12 - New Development and Landscape Schemes
A24 - Scale and Character of Development
A41 - Protection of Agricultural Land
A43 - Agricultural Dwellings
A70 - Accommodating Traffic from Development

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

S1 - Sustainable Development
S2 - Development Requiements
DR1 - Design
H7 - Housing in the Countryside Outside Settlements
H8 - Agricultural and forestry dwellings and dwellings associated with rural businesses
T11 - Parking Provision

3. Planning History

NW03/3854/F - Erection of farm worker's dwelling and ancillary two-bay garage`
Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency – Raised no objection sibject to a condition relating to approval of a scheme of foul drainage prior to the commencement of development.

Internal Council Advice

- 4.2 Head of Engineering and Transportation - Raised no objection to the proposed development
- 4.2 Landscaping and Ecology - No objections, subject to a condition requiring landscaping

5. Representations

- 5.1 Neighbours - Three letters were received in relation to this application from the following sources:-

- The occupier, Willow Brook, The Marsh, Weobley
- Mr C Davies, Orchard Barn, Weobley Marsh, Weobley
- S W Taylor, 7, Bishops Court, Bishops Down Road, Tunbridge Wells

5.2 Two of these letters raised no objections subject to appropriate conditions, one raised an objection to the proposal. The comments raised can be summarised as follows:-

1. Requirement to protect culvert crossing site
2. Agricultural justification for dwelling
3. Development limits (Herefordshire Unitary Development Plan, Revised Deposit Draft, Policy H6).
4. Permitted Development Rights should be removed
5. Dwelling should be conditioned with Agricultural occupancy condition
6. Slates preferred as a roofing material
7. 'Security requirements are not a valid reason to allow permission to be granted, but may be considered as part of the overall application.'
8. 'According to the UDP, additional housing due to the retirement of farmers is NOT allowed.'
9. The existing farmhouse is occupied so somebody is already available on site.
10. How does the business operate at the moment without the requested accommodation.
11. Disturbance caused by gate entrance.
12. Inappropriate intensification of the access across the Common Land.

5.3 In relation to the above, the following is advised:

3. Herefordshire Unitary Development Plan policy H6 is no longer valid in the assessment of agricultural dwellings.
7. Security is not a stated reason for this dwelling
8. Retirement is not a stated reason for this dwelling

5.4 Parish Council - Weobley Parish Council raises no objections to this proposal.

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

6. Officers Appraisal

6.1 Three key areas for consideration are assessed to be associated with this application. These are:

1. Principle of Development
2. Design and Scale
3. Residential and Visual Amenity
4. Commensurate Size

6.2 Principle of Development

It is suggested that the most appropriate way to consider an application such as this is first to establish the acceptability of the proposal in relation to the five areas of

consideration specified under Planning Policy Guidance Note 7: The Countryside, Annex 1.

These are:

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

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

In relation to the first four points, supporting information has been submitted. It would appear that the agricultural functional need for Marsh House and The Field is slightly more than 3 persons. There are currently 2 employed at Marsh House, namely Mr Davies Senior and Mr Davies Junior. Both currently live on site in Marsh House. Mr Davies Senior's Brother resides at The Field and, in addition to the arable element of the operation, has a nursery business. On the basis of this information, it would appear that the existing requirement for agricultural functional need at Marsh House and The Field is three and three are currently available. The supporting information does suggest that, in the interests of animal welfare, two persons are required to be on the Marsh House site at all times. The establishment and profitability of the holding is accepted. It would appear at this time that there is no suitable affordable alternative accommodation available. Mr Davies Junior is to be married and therefore needs accommodation of his own. The requirement in this instance is therefore not for accommodation for a new staff member, but rather additional accommodation for existing staff. As has been noted, Mr Davies Senior and Junior both reside at Marsh House. It is accepted that for the farm to continue operating effectively a second worker is required on site and as such, regardless of the personal relationship of the persons involved, it is accepted that a second dwelling is now needed on site.

Point 5 will be considered in the sections of this report subsequent to this, but it is confirmed that the proposed siting is suitable and considered acceptable.

6.3 Design and Scale

The proposed dwelling is a standard Border Oak dwelling. The local vernacular includes a variety of dwelling types of mixed architectural merit. It is considered that the proposed dwelling is of an acceptable design standard and, in this, it will not appear as an incongruous feature. The size is not considered excessive in the context of the locality. Appropriate conditions relating to materials, landscaping and the access track will be attached to ensure the ultimate acceptability of this scheme.

6.4 Residential and Visual Amenity

No neighbouring properties are within the sphere of influence of the dwelling itself and, as such, no concerns relating to privacy or overbearing impact exist. The principal issue for consideration relates to the access track. Access to the dwelling is intended to be through the main farm complex, via the existing farm's main entrance,

and this is the preferred access point. The use of the gated access across the Common Land is not considered desirable. This access point does exist and may be utilised currently; however, the introduction of a track will allow for a more intensive use of it. It is suggested that the use of this access point in connection with the dwelling is undesirable for a number of reasons, not least amenity and safety. On the basis of this, a condition will be attached to specify that the access point may not be used by traffic associated with the new dwelling. This will ensure the use of the preferred access route though the farm complex, via the farm's main entrance.

By virtue of the design and scale of the dwelling, together with the landscaping condition to be imposed, it is considered that the development will not have an unacceptable impact upon visual amenity.

6.5 Commensurate Size

It is a requirement of national and local policy that an agricultural worker's dwelling be of a commensurate size to the needs of the farming enterprise. The floor area of this dwelling is in the region of 160 square metres and a single garage is proposed. As has been noted in recent applications of this type that the historic link to H6 for agricultural workers dwellings in the Unitary Development Plan has been removed in the Revised Deposit Draft. Only the term commensurate size remains. This is a problematic situation as no figurative measure of acceptability remains by which to assess applications such as this. Notwithstanding this, clearly a judgement on this application in relation to commensurate size is required.

Within the Planning Department, Officers have attempted to maintain a level on or around the level suggested by H6 in an attempt to establish a modest figure by which to work around. The suggested 160 square metres proposed here is considered excessive. In the case of this application, a figure approaching 120 sq metres was requested, but has been contested by the applicant. The importance of establishing a figure, and a modest one at that, is linked to the important issue of affordability, not just of construction, but over the longer term. Notwithstanding this, dwellings with a floor area in excess of the 160 metres proposed here have been approved by this Committee contrary to Officers recommendation. It is therefore suggested that an argument beyond that of simple floor area is required in order that this matter can be effectively assessed. The matter of commensurate size is, as noted above, important not only as a means to prevent inappropriately large dwellings in the open countryside, but also it ensures the affordability of the dwelling, an important factor in ensuring the long term retention of the dwelling as an agricultural workers dwelling.

This dwelling is a Border Oak property. Supporting evidence has been submitted with reference to the costings associated with the proposed dwelling. The evidence suggests that the dwelling may be affordable to the applicant to the extent that the cost of construction can be covered, however, as the Planning Inspector in the recent Gilberts Farm Appeal stated 'this is not the point'. The predicted market value is an issue of some concern. It is suggested by the agent that at current rates the proposed dwelling would, without an agricultural restriction, raise a **minimum** of £275,000. A restriction would reduce this by approximately a third, resulting in a market value of a **minimum** of £192,000. It is strongly suggested that this figure can in no way be considered affordable. Consideration must be given to the long term evolution of this holding. The supporting statement claims that this dwelling cannot, for reasons of access and practically, be separated from the holding. In consideration of the siting of this property this is a fact that is disputed. Members will

no doubt recall recent cases where applications for the removal of agricultural restrictions have been supported on the basis that a dwelling is not affordable. It is suggested that in the long term this is a situation waiting to happen in the case of this proposal.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed dwelling, in view of its overall size and predicted market value, would not be commensurate with the established functional requirements of the holding and does not represent an affordable unit as required to ensure its retention as a agricultural workers dwelling. The proposal is therefore considered contrary to Annex 1 of PPG7: The Countryside, adopted Leominster District Local Plan policy A43, and emerging Herefordshire Unitary Development Plan policy H8.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNE2004/1520/F - PROPOSED INTERNAL
ALTERATIONS AND MODIFIED ELEVATIONS AT
KEEPERS COTTAGE, FALCON LANE, LEDBURY,
HEREFORDSHIRE, HR8 2JN**

**For: Salters Hill Charity Ltd per R J Durrell, The Corner
House, 2 Hambrook St, Charlton Kings, Cheltenham,
GL52 6LN**

Date Received:

26th April 2004

Expiry Date:

21st June 2004

Local Member: Councillor's Don Rule MBE, Peter Harling & Barry Ashton

Ward:

Ledbury

Grid Ref:

68433, 38073

1. Site Description and Proposal

- 1.1 The application site is located on the north-eastern side of the C1308 road west of Ledbury. The proposal is for the use of the modest agricultural style building in association with the residential accommodation adjacent for young adults with learning disabilities, providing training facilities and stores on ground floor into meeting rooms and offices above.
- 1.2 The proposal includes re-roofing the building with sheeting panels, rendering existing blockwork and replacing york boarding with cedar cladding. Foul drainage is to be dealt with by way of a package treatment plant.
- 1.3 The building is situated adjacent to existing buildings, in a position well above the road level, with a backdrop of woodland. The site lies in an Area of Great Landscape Value.

2. Policies

Malvern Hills District Local Plan

Landscape Policy 3 – Development in Areas of Great Landscape Value

Employment Policy 6 – Re-use of Rural Buildings

Transport Policy 11 – Traffic Impact

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy E6 – Expansion of Existing Businesses

3. Planning History

NE2003/3302/F - Siting of portacabin to provide temporary office accommodation - Granted temporary permission until 19 December 2006

NE2001/1665/F - Conversion of double garage to 2-bedroom and shower room for people with learning disabilities - Permission granted 24 August 2001

MH95/1034 – Change of use of dwelling to a group home for young people with learning difficulties. Planning permission not required.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objection subject to provision of foul drainage works.
- 4.2 Forestry Commission has no objection.
- 4.3 Herefordshire Nature Trust's representations not received.

Internal Council Advice

- 4.4 Head of Engineering and Transportation requests additional information regarding parking spaces for a further 10 cars.
- 4.5 Chief Conservation Officer: No obvious ecological issues.

5. Representations

- 5.1 Parish Council: No objection.
- 5.2 Objections have been received from:

J & C Davenport, Flights Orchard Farm, Falcon Lane and Janet Davies, Woodside Lodges, Falcon Lane.

Objections are summarised as follows:

- 1. Falcon Lane unable to cope with additional traffic.
 - 2. Falcon Lane already unsafe for walkers, cyclists and other road users.
 - 3. Keepers Cottage has an agricultural tie.
 - 4. Description of development is mis-leading, there is more than just proposed internal alterations and modifications to elevations, clearly there is a change of use of the property as well.
- 5.3 In support of the proposal the applicant's agent advises: 'There are 8 residents, not 14 as previously referred to in the previous planning application. Though your records show 6 places, 2 further were added following conversion of the integral garage in 2001.

A turning circle has been introduced to facilitate traffic movement. Parking for 12 spaces is provided for everyday use, spaces 13-22 provide for occasional overspill.'

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 Head of Engineering and Transportation has not objected to the development in terms of the local road network that requires additional parking provided on site. Given the number of existing businesses along Falcon Lane it is not considered that the proposal would generate additional traffic to any material degree and could not be sustained as a reason for refusal.

6.2 It is considered that the proposed alterations to the building, which although agricultural in appearance is currently used in association with the existing use on site, will enhance the visual amenity of the Area of Great Landscape Value.

6.3 A history search has not revealed the existence of an agricultural occupancy condition.

6.4 It is considered that the proposal complies with relevant development plan policies and is supported accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - H13 (Access, turning area and parking)

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

4 - No development approved by this permission shall be commenced until a scheme for provision of foul drainage work has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details, before the use commences.

Reason: To prevent pollution of the water environment.

5 - There shall be no external illumination of the building without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNE2004/1093/F - 4 NO THREE BEDROOM HOUSES,
FORMATION OF NEW ACCESS, CAR PARKING FOR
DWELLINGS AND CAR PARKING FOR PUBLIC HOUSE
AT WHEATSHEAF INN, FROMES HILL, LEDBURY,
HEREFORDSHIRE, HR8 1HT**

**For: Mr M Howe per RRA Architects, Packers House,
25 West Street, Hereford, HR4 0BX**

Date Received:
26th March 2004

Ward:
Frome

Grid Ref:
68108, 46489

Expiry Date:
21st May 2004

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The Wheatsheaf Inn is located on the southern side of the A4103 Hereford to Worcester Road at Fromes Hill. The proposal is to construct four 3-bedroom semi-detached dwellings on the existing car park, with designated car parking for the new dwellings, together with a new 18 space car park for the Inn which is presently closed. The car parking layout for the dwellings has been amended to provide for their location to be within the settlement boundary. Also, the frontage of the public house will have dropped kerbs to allow the local school bus to pull clear of the highway.
- 1.2 The dwellings are staggered along the frontage with all access via the new joint access to the Inn. The dwellings will be timber clad with rendering under a slate roof. A private sewerage treatment plant will provide drainage for the development.

2. Policies

Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 7 – The Countryside

Malvern Hills County Structure Plan

Housing Policy 3 – Settlement Boundaries
Landscape Policy 3 – Areas of Great Landscape Value

Hereford and Worcester County Structure Plan

Policy H16A – Housing in Rural Areas
Policy CTC9 – Development Criteria

Herefordshire Unitary Development Plan

Policy H6 – Smaller Settlements

3. Planning History

NE1999/1811/F – Extensions/Alterations to existing public house to form a dining room and four rooms for guests with en-suite facilities. Approved 9th September 1999.

NE2003/3532/F – Five new houses on the Wheatsheaf Car Park. Parking, shelter for new dwellings, formation of new access and public house car park. Withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Head of Engineering and Transportation recommends conditions.

4.3 The Chief Conservation Officer raises no landscape objections.

5. Representations

5.1 Bishop's Frome Parish Council comment as follows:

1. The A4103 is an extremely fast and dangerous road. There have been five pedestrian deaths and numerous minor accidents in recent times. The safety of a new access (for four houses and potentially a public house) onto this road, coupled with the four additional houses currently being built, also at this point on the road, needs to be investigated. It should be noted that any children will have to cross the main road for the school bus etc. It is the belief that some serious road calming measures (i.e like Leigh Sinton) will be required to make this area safe and pleasant for residents.
2. The public house has not been open for three years. It does not require a new car park. If the public house is to open then the current car park should be used.
3. The proposed car parking area for both the new houses and the public house is outside the existing settlement or building line. Surely fewer houses with attached parking would be more desirable.
4. The land behind the houses is not currently an orchard, but was used as a football pitch for Fromes Hill. It may well be prudent to ensure this land is permanently preserved as a recreation area for residents.
5. Fromes Hill has had several substantial new houses built recently. Can the current sewage system cope with this additional housing?

5.2 Castle Frome Parish Council comment as follows: 'We are not in favour of this development. The proposed houses are too close to the road for children to play safely. The orchard at the back would need a 'no-development' covenant to prevent Phase 2. The plans include pub car parking – does this mean the pub will re-open? If so, this is the only part of these plans that we would support.

5.3 Stretton Grandison Parish Council comment as follows: 'We have the following comments to make on the amended plans:

Building Design – This needs improvement. 'Ledbury' bricks would colour blend well. Wood/aluminium is not suitable in such as exposed site.

Safety – Since these are family homes the north side needs more careful planning and full fencing to help children to the road. Development should be set back further by removing rear retaining walls. As it is too close to the road and will create more distraction around this road junction.

If this is Phase 1 of the development, a restrictive covenant should be placed on the orchard area to avoid adjacent development.

The pub seems to be closed on a permanent basis and it would seem that, unless restrictions are imposed this conversion will be Phase 2.

We are therefore not in favour of this development as it stands.'

5.4 The CPRE comment as follows: 'We think the design of the houses could be improved so as to harmonize better with the surrounding properties and we ask the Council not to approve the application unless plans are amended accordingly. We are also concerned about traffic aspect. The proposed entrance is off the A4103, along which traffic moves fast. Extra traffic from this development could create a hazard and we suggest that the Council should consider this aspect. In particular we suggest discouraging on-road parking along the frontage of the proposed development by any means possible.

5.5 A petition signed by 40 people objecting to the proposal has been received. Also nine letters of objection have been received. The main points raised are:

- a) There have already been a number of properties built recently and four more would cause further hazardous turn-ins on this dangerous road.
- b) There is a lack of facilities at Fromes Hill these days so what is the point of enlarging the size of it.
- c) The applicant is a speculative builder who has no qualms about ridding the village of yet another amenity (The Wheatsheaf Inn).
- d) The new car park is located outside the planning boundary.
- e) The houses are too close to the A4103.
- f) No play area for children.
- g) The application should be rejected until the public house is re-opened.
- h) There are petrol pumps still in the grounds from a former use.
- i) There have been many fatalities and near misses on this stretch of Fromes Hill and this development will certainly add to the problems.
- j) The area is designated as an Area of Great Landscape Value and this proposal will create ribbon development.

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

The main issues in consideration of this proposal are:

1. The principle of development
2. The layout and design in relation to the character of the area
3. Highway safety and car parking provision
4. Drainage

1. **The Principle of Development**

The site is located within the settlement boundary for Fromes Hill, as identified in the Malvern Hills District Local Plan. Accordingly, the planning application is assessed mainly under Housing Policy 3, which supports new housing development, provided the access, character, density and drainage are acceptable.

The development will be built on the existing car park, a new car park for the public house is proposed to the rear of the public house. Although this is outside of the settlement boundary, its development complies with the provision of community facilities, in accordance with Recreation Policy 31 of the Malvern Hills District Local Plan.

2. **Layout and Design**

Fromes Hill has a linear form of development fronting the A4103 Hereford to Worcester Road. This development will continue that form of development, albeit all access – both pedestrian and vehicular – will be to the rear and side, in the interests of highway safety.

The design of housing at Fromes Hill provides for a mix of new brick-built dwellings, cottages and bungalows. The agent considers that the design now submitted respects the rural character of the area, with the use of local materials – namely timber cladding, rendering and slate roofs, this together with the stepping back of the units, will provide a gateway to define the entry point at the top of the hill into the settlement.

In addition, the use of soft landscaping, with the provision of hedging along the boundary with the main road, will further enhance the entrance into the settlement.

3. **Highway Safety**

The Head of Engineering and Transport has confirmed that, subject to conditions, the revised access proposal is acceptable.

The existing car park has an open frontage to the main road and this proposal will provide a defined entry and exit position. Four car parking spaces are provided for the houses, with two visitors' parking spaces. A replacement car park for the public house immediately behind provides 18 spaces and a turn area.

4. **Drainage**

Originally, the development was proposed to be drained into the main sewer. However, this has now been amended to a private sewerage treatment plant.

Conclusion

The amended proposal complies with the development plan, in that the new housing and associated car parking is located within the approved settlement boundary, utilises traditional materials in a modern design and continues the form of development typical of that characterised at Fromes Hill.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)(4th June 2004)

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

3 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - F18 (Scheme of foul drainage disposal)

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

5 - 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.

6 - F44 (Investigation of contaminated land)

Reason: To ensure that potential contamination of the site is satisfactorily assessed.

7 - F45 (Contents of scheme to deal with contaminated land)

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

8 - F46 (Implementation of measures to deal with contaminated land)

Reason: To ensure contamination of the site is removed or contained.

9 - G04 (Landscaping scheme (general))

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

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

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

11 - H13 (Access, turning area and parking)

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

12 - Prior to occupation of the dwellings details of the facility to be provided to ensure that residents of the new dwellings only are allowed to park in the residential parking spaces shall be submitted for approval in writing of the Local Planning Authority and suitably maintained.

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNC2004/0569/F - PROPOSED FIRST FLOOR
BEDROOM EXTENSION AND SINGLE STOREY
GROUND FLOOR EXTENSION AT THE FORBURY,
CHURCH STREET, LEOMINSTER, HEREFORDSHIRE,
HR6 8NQ**

DCNC2004/0571/L – AS ABOVE

**For: Mr C Lutton per Mr N La Barre Easters Court
Leominster Herefordshire HR6 0DE**

**Date Received:
17th February 2004**

**Ward:
Leominster South**

**Grid Ref:
49712, 59183**

**Expiry Date:
13th April 2004**

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The Forbury Residential Care Home, a Grade II* listed building is a substantial 3-storey red-brick building under a Welsh slate roof that is located on the north side of Church Street adjacent to its junction with School Road. It is located 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.
- 1.2 These applications propose a single storey building that will be to the rear of The Forbury accommodating 3 bedrooms, each with a toilet, and a bathroom. The building will be linked to The Forbury by a long passageway. A first floor extension is also proposed to the roadside elevation that will provide an additional bedroom.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A2 – Settlement hierarchy
A18 – Listed buildings and their settings
A21 – Development within Conservation Areas
A24 – Scale and character of development
A52 – Primarily residential areas
A54 – Protection of residential amenity

2.2 Hereford and Worcester County Structure Plan

CTC 7 – Development and features of historic and architectural importance
CTC 9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA1 – Alterations and extensions to listed buildings
HBA4 – The setting of listed buildings
HBA 6 – New development within Conservation Areas

**2.4 PPG1 – General policy and principles
PPG15 – Planning and the historic environment
PPG16 - Archaeology****3. Planning History**

90L 278 - Alterations and extension. Approved 15 October 1990.

NC2001/0196/L - Renewal of roof covering, repair/rebuilding chimneys. Approved 13 June 2001.

NC2001/2117/F - Extension to form laundry room. Approved 12 December 2001.

NC2002/1601/F - Laundry room. Approved 29 August 2002.

NC2002/1602/L - Laundry room. Approved 29 August 2002.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Chief Conservation Officer: No objection.

4.3 Head of Engineering and Transport: Recommends refusal in that the proposal conflicts with the Council's parking standards for residential homes.

5. Representations

5.1 Leominster Town Council: 'Recommend refusal for while Council is minded to recommend approval for the extension on the northern side of the building, it felt that the extension on the southern side would be visually intrusive and detract from the character of this listed building.

5.2 The application has been advertised as a development affecting a Grade II* listed building within a Conservation Area. No representations have been received.

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 Forbury is an imposing and well-proportioned 18th century building that contributes highly to the Leominster Conservation Area and to the character of this part of Church Street.
- 6.2 These applications propose a single-storey linked extension that will be to the rear of the main building. It is also proposed to provide an additional bedroom at first floor, which will be seen from Church Street. The extensions have been the subject of extensive negotiations with the Chief Conservation Officer and have designed so as to minimise their impact on and allow the character of this listed building to remain dominant.
- 6.3 Although the Transportation Manager has recommended refusal in that the proposal would lead to a reduction of parking spaces, there is ample public parking available at Bridge Street, which is within short walking distance of The Forbury and which will meet the parking needs of visitors.

RECOMMENDATION

NC2004/0569/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. B01 (Samples of external materials)**

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

- 3. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning authority on 11th May, 2004.**

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

Informative:

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

Decision:

Notes:

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NC2004/0571/L

That listed building consent be granted subject to the following conditions:

- 1. C01 (Time limit for commencement (listed buildings))

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

- 2. B01 (Samples of external materials)

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

- 3. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning authority on 11th May, 2004.

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

Informative:

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

Decision:

Notes:

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Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNC2004/2275/RM - ERECTION OF HOUSE &
GARAGE ON LAND ADJOINING OLD SCHOOL HOUSE,
WHITBOURNE, WORCESTER, WR6 5SP**

**For: J & G Developments per Gurney Storer &
Associates, The Stables, Martley, Worcestershire,
WR6 6QB**

Date Received:
22nd June 2004

Ward:
Bringsty

Grid Ref:
71930, 56711

Expiry Date:
17th August 2004

Local Member: Councillor T W Hunt

1. Site Description and Proposal

- 1.1 The application site stands to the side of the Old School House. Access is via the existing driveway, which runs along the north and west boundaries of the site.
- 1.2 This is an application for the approval of reserved matters, following outline planning permission NC2003/0932/0. The application proposes a 4-bedroomed dwelling with hipped roof, 5metres to eaves and 8.3metres to ridge, and detached garage.

2. Policies

Malvern Hills District Local Plan

Housing Policy 3 – Settlement boundaries
Housing Policy 17 – Residential standards
Landscape Policy 3 – Development in Areas of great Landscape Value

Hereford and Worcester County Structure Plan

CTC2 - Development in Areas of Great Landscape Value
CTC9 - Development Criteria

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H4 - Main Villages Settlement Boundaries
H13 - Sustainable Residential Development
H16 - Car Parking
PPG1 - General Policies and Principles
PPG3 - Housing

3. Planning History

NC2002/1288/0 - Site for One Dwelling and Garage. Refused 21/6/2002
NC2003/0932/0 - Site for One dwelling and Garage. Approved 6/6/2003

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: No objection

5. Representations

5.1 Whitbourne Parish Council objects on the following grounds:

"The plans have been submitted on old ordnance survey maps and misrepresents the current locality of the site. There are now four houses on the adjacent site of the Old Post Office and there has been an additional property on the C1066, opposite the site. The area is already overdeveloped.

Outline permission was granted for a single storey dwelling (bungalow) with integral garage. This proposal is for a two storey house with separate garage.

The proposed dwelling is closer to neighbouring properties than shown in the outline permission.

The application states that no trees will be felled or pruned. This development would not be possible without removal of some trees.

The Parish Council is still concerned with access, which joins the highway in the middle of the zig-zag 'no parking' area for the adjacent school. This access has become more difficult to negotiate, as, since outline permission was granted, vehicles associated with the new houses are parking on the road outside those houses and obscuring visibility and posing a hazard.

The application proposes to widen this access but ownership of the adjacent wall and land is not established.

Should this application succeed, the Parish Council requests that all conditions imposed, as well as those of the outline permission, should be complied with.

A satisfactory boundary treatment should be in place before commencement of any works to screen neighbouring properties.

The Parish Council wishes the concerns of neighbouring residents to be considered."

5.2 Letters of representation have been received from:

Mr & Mrs Butler, 4, Old Forge, Whitbourne
Mrs Wright, 6, Old Forge, Whitbourne
Mr S Stubbs, Head Teacher, Whitbourne Primary School
Mr C Hawkins, 1, Blacksmith's Cottages, Whitbourne
Mr A J Judge, 5, Old Forge, Whitbourne

The main concerns raised are:

- (a) Outline planning permission was for a bungalow only
- (b) The area already has four new houses
- (c) Detrimental to character of the area
- (d) Adds to existing traffic hazard. Access is extremely dangerous.
- (e) Invasion of privacy due to close proximity of development
- (f) If development is permitted, conditions should be imposed regarding when work is commenced.

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

6. Officers Appraisal

6.1 This application is for the approval of reserved matters, following outline planning permission NC2003/0932/0, which established the principle of a single dwelling on this site. The outline planning permission reserved all matters except means of access for future consideration. The outline planning permission did not restrict the future development of the site to a bungalow.

6.2 The determining factors in this application are the scale and impact of the proposed dwelling on the character of the area and neighbours.

6.3 In terms of impact on the locality, the outline planning permission requires that all hedgerows should be retained in that they are a key landscape feature in the village. The hedge provides good protection of residential amenity to neighbours, preventing overlooking. In this instance, it is proposed to position the dwelling adjacent to the hedge. While, the application proposes 2 windows in the elevation which faces the hedge, the windows are of a size and position that will not give rise to loss of residential amenity to the neighbours, 2-4, Old Forge, through overlooking.

6.4 This part of Whitbourne is characterised by a mix of house styles. The Old School House is a large, redbrick, Victorian house under a slate hipped roof. The Old Forge, which is to the west, is a 1970's housing development and The Old Post Office development is a recently constructed row of 4 detached houses. As regard to the height of the proposed dwelling with adjoining developments is concerned, the proposal compares favourably with the scale of The Old School House. In so far as

the relationship with the Old Post Office development is concerned the application site is at a lower level this, together with the positioning of the proposed dwelling, allow the proposal to blend with locality.

RECOMMENDATION

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

1. B01 – Samples of External Materials

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

2. F48 – Slab Levels

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

Informative:

N09 - Approval of Reserved Matters

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNC2004/2223/F - STATIONING OF TWO HEAVY GOODS VEHICLES ON EXISTING YARD AT BRINGSTY GARAGE, BRINGSTY, BROMYARD, WR5 5UJ

For: Mr J Williams per Mr J C Ashton, The Orchard Office, Union Place, Off Northwick Road, Worcester, WR3 7DX

Date Received:
18th June 2004

Ward:
Bringsty

Grid Ref:
70369, 55215

Expiry Date:
13th August 2004

Local Member: Councillor T W Hunt

1. Site Description and Proposal

- 1.1 Bringsty Garage is located in open countryside designated as being of Great Landscape Value, and on the south side of the A44. Route 44 Cafe is to the rear of the garage and to the side is Spanish Ceramics. Appletree Cottage is adjacent.
- 1.2 This is a retrospective application for a HGV yard, 8metres x 28metres, which is on the east side of the garage and behind green painted, corrugated metal gates.

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
Transport Policy 11 – Traffic impact
Transport Policy 16 – Lorry parks and HGV depots

2.2 Hereford and Worcester County Structure Plan

CTC2 - Development in Areas of Great Landscape Value

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA2 - Landscape Character and Areas Least Resilient to Change

PPG1 - General Policy and Principles

3. Planning History

NC2004/1284/U - Certificate of Lawful Use for the stationing of two HGV. Refused: 26th May, 2004.

4. Consultation Summary

Statutory Consultations

None required.

Internal Council Advice

4.1 Head of Engineering and Transportation: No objection

4.2 County Land Agent: The site is not on common land. However, access from the highway for long vehicles is poor and means holding up traffic.

5. Representations

5.1 Whitbourne Parish Council comment as follows:

"The Parish Council objects on the grounds of road safety. The lorries used are 40 feet articulated lorries. To park these lorries on the site, which is at the bottom of a blind bend, entails reversing across the A44. The vehicles are employed in a business - furniture removal - which is unconnected with the business of a garage and plays no part in supporting the local community. The vehicles also spoil an area of outstanding natural beauty."

5.2 Letters of objection have been received from:

Mr P Bridge, Woodside, Bringsty Common, Worcester
J D Brooks, Brackentop, Bringsty, Worcester
G I Buckley, Bringsty Post Office, Bringsty Common, Worcester

- (a) The garage is situated at the bottom of a dangerous hill which has been the scene of several major accidents over the years
- (b) A similar application has already been rejected under a different HDC procedure
- (c) An application for the site to become the operating centre of a haulage business has not been agreed by the Traffic Commissioners
- (d) Lorries turning into the site cause a hazard for other road users
- (e) There is a covenant on the garage preventing this type of activity

5.3 The applicant has said:

- (a) The use has existed over the last 4 years without apparent complaint
- (b) I have vehicular operators license
- (c) The lorries are required to transport goods relating to Spanish Ceramics

- (d) There are no near neighbours affected
- (e) There is ample space to manouvre without reversing onto the A44

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

6. Officers Appraisal

6.1 This is a retrospective application for the parking of two HGV 's within an existing yard area that is on the east side of Bringsty Garage. The application has been submitted following the refusal of an application for a Certificate of Lawful Use, when the applicant was unable to provide evidence that the use of the site as a HGV yard had continued for a period of 10 or more years from the date of that application. The use of the yard has continued for about 4 years or so.

6.2 Transport Policy 16 deals specifically with applications for lorry parks and HGV depots, setting a criterion for consideration; provision of landscaping is made, the development would not have a detrimental effect on the landscape quality of the area and would not cause undue disturbance to neighbouring land users by traffic generation, parking, noise, smell and operating areas, safe access and the local road system has sufficient capacity to accommodate the vehicle generation.

6.3 This site is adjacent to the A44, which is a primary traffic route through Herefordshire and, in terms of its location to other communication links, is considered an acceptable site. The determining factors in this application are matters of highway safety and landscape impact. The Transportation Manager has raised no objection to the application and, in doing so, considers that the forecourt is of a size that allows vehicles to enter and leave the yard without causing disruption and nuisance to other users of the A44.

6.4 In terms of its effect on the locality is concerned, the site is well screened by existing vegetation on Bringsty Common. Given the commercial nature of the site it is not considered that the continued parking of these vehicles causes harm to the acknowledged visual qualities of the area.

RECOMMENDATION:

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

- 1. No more than two heavy goods vehicles shall be allowed to park in the yard area.**

Reason: In order to define the permission and in the interests of highway safety.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.