

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 6th October, 2004**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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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, J.B. Williams

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1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 6th September, 2004.	1 - 10
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	11 - 14
5. <b>APPLICATIONS RECEIVED</b> To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.  Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	

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|-----|---|---------|
| 6.  | DCNC2004/2598/N - VARIATION OF CONDITIONS 1,2,3 AND 4 OF PLANNING PERMISSION NC03/1895/N, PRINCIPALLY TO ENABLE THE PILOT PLANT FOR ACCELERATED COMPOSTING OF ORGANIC MATERIAL TO BE UNDERTAKEN UNTIL 31 ST DECEMBER 2008 AT WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX | 15 - 32 |
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| 7.  | DCNE2004/2398/RM - ERECTION OF A NEW AGRICULTURAL WORKERS DWELLING AND DETACHED GARAGE AT GILBERTS FARM, LILLY HALL LANE, LEDBURY.  | 33 - 36 |
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| 11. | DCNC2004/2391/F & DCNC2004/2392/L - SINGLE STOREY EXTENSIONS AND ALTERATIONS TO ENLARGE WORSHIP AREA, CREATE NEW HALLS & ROOMS, NEW ENTRANCE AND TOILETS AT LEOMINSTER BAPTIST CHURCH, ETNAM STREET, LEOMINSTER, HR6 8AJ  | 61 - 66 |
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| 12. | DCNC2004/2612/F - SINGLE STOREY EXTENSION TO PROVIDE RECEPTION CLASS. REMODEL INTERNAL CLASS 2 AND NURSERY AT ST. MICHAELS C OF E PRIMARY SCHOOL, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3JU  | 67 - 70 |
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| 13. | DCNC2004/2722/F - ROLLER SHUTTER TO FRONT OF SHOP. CHANGE OF DESIGN AND FITTING (RETROSPECTIVE) AT 7 HIGH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8LZ  | 71 - 74 |
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<b>14.</b>	<b>DCNC2004/2838/F - STORAGE BUILDING AT MIDDLE HOUSE FARM, HILLHAMPTON, BURLEY GATE, HEREFORD, HEREFORDSHIRE, HR1 3QP</b>	<b>75 - 78</b>
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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 8th September, 2004 at 2.00 p.m.**

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

**Councillors:** 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, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton and J.B. Williams (ex-officio)

**66. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 11 August 2004 be approved as a correct record and signed by the Chairman.

**67. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor BF Ashton.

**68. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
JHR Goodwin	DCNW2004/1656/RM – New Agricultural Dwelling at Nash Ground, Green Lane, Titley, Herefordshire, HR5 3RW	Prejudicial and left the meeting for the duration of this item.

**69. ITEM FOR INFORMATION - APPEALS**

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

**70. APPLICATIONS RECEIVED**

The Chairman decided to take the agenda items in the following order

**71. DCNE2004/1520/F - PROPOSED INTERNAL ALTERATIONS AND MODIFIED ELEVATIONS AT KEEPERS COTTAGE, FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JN (AGENDA ITEM 11)**

Councillor DW Rule, the Local Ward Member expressed concerns about the volume of traffic using Falcon Lane, particularly heavy vehicles during the soft fruit season and asked the officers to approach the Highway Department to ascertain whether there was a possibility of additional passing places being established.

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

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

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

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

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

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

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

**4 - No development approved by this permission shall be commenced until a scheme for provision of foul drainage work has been approved in writing 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.**

**72. DCNC2004/1529/O - SITE FOR ERECTION OF 8 DWELLINGS AT RIDDLERS PLACE, UPPER SAPEY, WORCESTER, HEREFORDSHIRE (AGENDA ITEM 6)**

In accordance with the criteria for public speaking, Mr Wattis of the Local Residents Association spoke against the application and Mr Jolly, the applicants agent spoke in favour.

Councillor TW Hunt, the Local Ward Member explained why in his opinion it would be preferable for residential development take place on the site which was presently a derelict eye sore with little prospects of any future light industrial use. He felt that the proposed development would protect and enhance the character of the area where there was a need for good quality residential development. He explained the policies which he felt that it complied with and the various criteria which he felt would be met. The Sub-Committee supported the views of Councillor Hunt and also decided that the site also presented the opportunity for the inclusion of affordable housing on the.

**RESOLVED: That**

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services, including conditions for the inclusion of affordable housing; provided that the Head of Planning Services does not refer the application to the Planning Committee;**

**and**

- (b) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the scheme of delegation to officers be instructed to approve the application subject to such conditions referred to above.**

*(Note: - The Northern Divisional Planning Officer said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services.)*

**73. DCNW2004/1656/RM - NEW AGRICULTURAL DWELLING AT NASH GROUND, GREEN LANE, TITLEY, HEREFORDSHIRE, HR5 3RW (AGENDA ITEM 8)**

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

Councillor RJ Phillips, the Local Ward Member was of the view that the application should be approved because the proposed dwelling was of a design which was in keeping with the existing farm buildings and was proposed for use in connection with the agricultural business. He felt that as such it was essential for the farm. The Sub-Committee supported this view and felt that the size of the dwelling was not excessive for the provision of family sized accommodation for an agricultural worker and his family. They also took the view that the dwelling could be tied in with the existing farm and that permitted development not rights removed.

**RESOLVED: That**

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions listed below and subject to any 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 dwelling being tied to the agricultural business**

**and**

- (b) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the scheme of delegation to officers be**

instructed to approve the application subject to such conditions referred to above.

*(Note: - The Northern Divisional Planning Officer said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services.)*

**74. 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 (AGENDA ITEM 9)**

The receipt of a further letter of objection was reported.

In accordance with the criteria for public speaking Mr Jackson of Leintwardine Parish Council and Mr Kerr spoke against the application.

Councillor Mrs LO Barnett, the Local Ward Member expressed grave reservations about the application, taking the view that it did not comply with the Village Design Statement, the Leominster Local Plan or the emerging Unitary Development Plan. She was concerned that three dwellings would comprise over development of the site, the design was not in keeping with the adjoining conservation area and highway safety issues.

The Principal Planning Officer pointed out that the application complied with the Councils planning policies and Government housing density guidelines and that the Highways Department was satisfied with the access proposals.

**RESOLVED: That**

**(a) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the following reasons and any reasons felt to be necessary by the Head of Planning Services;**

**1) over development;**

**2) not in keeping with the setting of the village**

**(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 refuse the application for the reasons 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.)*

**75. DCNW2004/2007/F - ERECTION OF PROPOSED FARM WORKERS DWELLING AND ANCILLARY SINGLE GARAGE PART OS 4932, MARSH HOUSE, WEOBLEY, HEREFORDSHIRE, HR4 8RS (AGENDA ITEM 10)**

Councillor JHR Goodwin expressed support for the application because the

proposed dwelling was for the farmers son in connection with the agricultural business, was not excessively large, was in keeping with the other cottages in Weobly and commensurate with an established agricultural need. The Sub-Committee agreed with the views of Councillor Goodwin.

**RESOLVED: That**

**(c) the Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions listed below and subject to any 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 dwelling being tied to the agricultural business**

**(d) 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.)***

**76. 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 (AGENDA ITEM 12)**

The Northern Team Leader explained that further consideration of the application by the Highways Department had led to it recommending refusal on highway safety grounds in respect of the original proposed access. He advised that the applicants were proposing a revised access and he felt that this would be acceptable and therefore suggested that the officers be given delegated authority to approve the application.

In accordance with the criteria for public speaking Mrs Morgan of Bishops Frome Parish Council spoke against the application.

The Local Ward Member, Councillor RM Manning objected to the application because access to the proposed development was from a fast and dangerous road which had seen a number of fatalities in the past. There were problems with sewage disposal in the vicinity and he did not feel that the applicants had provided sufficient detail about how this would be dealt with in their proposed development. He felt that the proposed dwellings were not in keeping with the village and would have a detrimental impact upon it. He also had reservations that highway safety could be further compromised by the hedges within the proposed dwellings which could have an effect on visibility. The Sub-Committee concurred with his views that the application should be refused.

**RESOLVED: That**

(e) The Northern Area Planning Sub-Committee is minded to refuse the application for the following reasons and any further reasons 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) insufficient detail about disposal of sewage;

2) visual impact;

3) highway safety

(f) 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 refuse the application subject to such reasons 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.)*

77. DCNC2004/0569/F - PROPOSED FIRST FLOOR BEDROOM EXTENSION AND SINGLE STOREY GROUND FLOOR EXTENSION AT THE FORBURY, CHURCH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8NQ (AGENDA ITEM 13)

**RESOLVED: That:**

**NC2004/0569/F**

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

NC2004/0571/L

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

78. DCNC2004/2275/RM - ERECTION OF HOUSE & GARAGE ON LAND ADJOINING OLD SCHOOL HOUSE, WHITBOURNE, WORCESTER, WR6 5SP (AGENDA ITEM 14)

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

The Sub-Committee concurred with views of the Local Ward Member, Councillor TW Hunt that the application should be refused because the proposed dwelling would be out of keeping and have an adverse impact upon the setting of the adjoining hamlet.

**RESOLVED: That**

(g) **The Northern Area Planning Sub-Committee is minded to refuse the application subject to the following reasons and any 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) **Scale, setting and impact on the local environment**

(h) **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 refuse 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.)*

**79. DCNC2004/2223/F - STATIONING OF TWO HEAVY GOODS VEHICLES ON EXISTING YARD AT BRINGSTY GARAGE, BRINGSTY, BROMYARD, WR5 5UJ (AGENDA ITEM 15)**

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

Councillor TW Hunt, the Local Ward Member felt that the application should be refused on the grounds of highway safety because of the dangers that manoeuvring heavy goods vehicles in and out of the premises would have. The Senior Planning Officer said that this aspect had been investigated by the Highways Department which was satisfied that access to and egress from the premises could be achieved by heavy goods vehicles without needing to manoeuvre on the adjoining highway. In view of this the Sub-Committee felt that it could not support the views of Councillor Hunt.

Councillor B Hunt requested that the Highways Department supply Members with a written note of the criteria used in making recommendations regarding planning applications.

**RESOLVED:** 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.

**80. 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 (AGENDA ITEM 7)**

In accordance with the criteria for public speaking Mrs Simpson spoke in favour of the application.

The Northern Team Leader said that further conditions would be attached to any permission granted and alterations would be made to condition 1 set out in the agenda.

**RESOLVED:** 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**

The meeting ended at Time Not Specified

**CHAIRMAN**



<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNW2004/1204/F**

- The appeal was received on 27th 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 Aitcheson
- The site is located at STOCKMOOR FARM, Headlands, Pembridge, Leominster, Herefordshire, HR6 9EJ
- The development proposed is 2 Storey extension to rear of dwelling.
- The appeal is to be heard by Written Representations

**Case Officer: Adam Sheppard on 01432-261808**

**Application No. DCNE2004/1171/F**

- The appeal was received on 1st September 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 Ms K M Berry
- The site is located at Melrose, The Crescent, Colwall, Malvern, Herefordshire, WR13 6QN
- The development proposed is Erection of a detached dwelling and new vehicular access to Melrose
- The appeal is to be heard by Written Representations

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

**Application No. DCNC2004/2075/F**

- The appeal was received on 6th September 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 F C Thornton
- The site is located at Land adjoining 44 New Road, Bromyard, Herefordshire, HR7 4AJ
- The development proposed is Proposed detached dwelling.
- The appeal is to be heard by Written Representations

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

**Application No. DCNE2004/0949/L**

- The appeal was received on 6th September 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant Listed Building Consent
- The appeal is brought by Mr & Mrs Backhouse
- The site is located at Wylde House, Gloucester Road, Ledbury, Herefordshire, HR8 2JE
- The development proposed is Erection of conservatory and making doorway from kitchen to same.
- The appeal is to be heard by Written Representations

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

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

**Application No. DCNC2004/1231/O**

- The appeal was received on 7th September 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 V Price
- The site is located at Cider Mill Farm, Bringsty Common, Bringsty, Worcester, Herefordshire, WR6 5UP
- The development proposed is Site for new dwelling. Removal of industrial unit and adjoining barn.
- The appeal is to be heard by Written Representations

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

**Application No. DCNC2004/0706/F**

- The appeal was received on 14th September 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 R.Harris Poultry Services
- The site is located at Upper House Farm, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LU
- The development proposed is Change of use, with associated highway works, from redundant farm buildings to non-commercial agricultural machinery repair and service workshop with off-road lorry parking.
- The appeal is to be heard by Inquiry

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

**Application No. DCNC2004/0707/F**

- The appeal was received on 14th September 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 R.Harris Poultry Services
- The site is located at Upper House Farm, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LU
- The development proposed is Change of use with associated works, from redundant farm buildings to non-commercial agricultural machinery repair and service workshop with off-road lorry parking.
- The appeal is to be heard by Inquiry

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

**Enforcement Appeal No. EN2004/0011/ZZ**

- The appeal was received on 20th September 2004
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr T Fuller
- The site is located at land to the rear of The Wheatsheaf Inn, Fromes Hill, Ledbury
- The breach of planning control alleged in this notice is "without planning permission the erection of two block-built single storey buildings for the purpose of residential accommodation"
- The requirements of the notice are: (1) remove the buildings and (2) remove from the site all rubble, hardcore and other debris
- The appeal is to be heard by Hearing

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

**APPEALS DETERMINED**

NONE





NORTHERN AREA PLANNING SUB-COMMITTEE

6 OCTOBER 2004

**DCNC2004/2598/N - VARIATION OF CONDITIONS 1,2,3 AND 4 OF PLANNING PERMISSION NC03/1895/N, PRINCIPALLY TO ENABLE THE PILOT PLANT FOR ACCELERATED COMPOSTING OF ORGANIC MATERIAL TO BE UNDERTAKEN UNTIL 31 ST DECEMBER 2008 AT WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX**

**For: Bioganix Ltd at above address**

**Date Received:**  
4th August 2004

**Ward:**  
Leominster South

**Grid Ref:**  
51035, 55919

**Expiry Date:**  
29th September 2004

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The application site is at Wharton Court, about 3.1 Km south of the centre of Leominster, immediately off the A49(T). Wharton Court is a Grade II\* Listed Building dating principally from the 17th century. Two barns close to the Court are themselves separately and specifically listed as 16th century and combined 17th and 18th century respectively. The nearest houses are at Wharton Court (about 35m to the south-east), Stone Farm (350m to the west) and around Wharton Bank (13 houses 250 - 400m to the south-west).
- 1.2 The River Lugg SSSI/cSAC is about 250m to the east of the site.
- 1.3 The application site itself is irregularly shaped about 80m x 90m along the longest dimensions.
- 1.4 The applicant operates a novel in-vessel feather composting business. The operation is carried out on a pilot scale to determine the efficiency of the process in accordance with the requirements of the Animal By Products Order. The site has been operational since February 2002 and has been subject to considerable alteration since then.
- 1.5 Members will recall that permission was granted on 16<sup>th</sup> June this year for the operation of a pilot plant and retention and use of associated buildings for one year. The current application is to vary conditions 1, 2, 3 and 4 of the permission. In detail the proposals are:
- to vary condition 1 (which currently requires the use to cease on 1<sup>st</sup> July 2005 and the site to be cleared before 1<sup>st</sup> December 2005) to enable the use to continue to 31<sup>st</sup> December 2008 and the site to be cleared before 30<sup>th</sup> June 2009.

The reasons given for the proposal are:

*"We estimate that in order to be financially sustainable, we need to operate the plant at Wharton Court for a minimum of four years from the time at which we are given permission to operate for such a period. We have assumed that we will be granted such permission by 31 December 2004 and hence have requested that we are able to operate the Wharton Plant for four years from that date. The principal reasons for the four year requirement are:*

- a) *As well as the investment of £1 million made by 7Y Holdings in Bioganix, Bioganix has also borrowed money from third parties. In addition, we have entered into rental commitments beyond June 2005. Our cash flow forecasts show that we need to operate for a minimum of four years in order to repay our third party debts and fulfil our rental liabilities. Furthermore we wish to invest additional money in our Wharton plant to make the operation more robust, reduce odours and improve efficiencies. The payback for these investments is again approximately four years.*
  - b) *Our medium term plan is to raise more capital and start-up a commercial scale operation on a new site. We need a period of profitable operation in order to convince people to invest in our business. Our focus during the last two years has been on making the pilot plant work acceptably as opposed to making a profit. Our experience to date suggests that it will take all of four years to find another site, raise finance, receive the necessary permissions and install and commission plant. Furthermore we need an income stream in order to keep the company going during the period of establishing another site."*
- to vary condition 2 (which currently requires a scheme for the clearance of the site to be submitted not later than 1<sup>st</sup> July 2005 and the approved scheme to be implemented before 1<sup>st</sup> December 2005) to enable the scheme to be submitted not later than 31<sup>st</sup> December 2008 and implemented before 30<sup>th</sup> June 2009.

The grounds for the request are that the operators need 6 months post cessation of operations to comply.

- to vary condition 3 (which currently states "Not more than 12,000 tonnes of material shall be imported ... during any 12 months period") to read "Not more than 12,000 tonnes of controlled waste material shall be imported ... during any 12 months period".

The reasons given for requesting this variation are:

*"The original condition referred just to material, taken literally this would include building materials, and equipment brought on to site to carry out some of the conditions imposed by the planning permission. It is our view that the condition was intended to control the volume of composting activity on the site and that the condition should therefore relate to the controlled waste material that is composted."*

- and to remove or amend condition 4 (which currently states that "This permission shall be implemented only in lieu of, and not in addition to, the planning permission NC2000/2267/F dated 18 October 2000.")

The reasons given for requesting this variation are:

*"Permission NC2000/2267/F dated 18 October 2000 relates to a number of buildings at Wharton Court and relates to the permitted use of other buildings in addition to the*

*ones addressed by the permission granted on 16<sup>th</sup> June 2004. Some of these other buildings are occupied and are in use. Thus condition 4 would appear to seek to preclude their lawful use whilst the planning permission DCNC2003/1895/N is in effect."*

- 1.6 The applicants have appealed against the conditions imposed on the existing permission and state that they will abandon this if permission is granted.

## **2. Policies**

Waste Strategy 2000

Planning Policy Guidance Note 10 – Planning and Waste Management

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

WD2 – Location and Need

WD3 – General Development Control criteria

E14 – Adequate Disposal of Waste

E15 – Dangerous or difficult Waste

CTC3 – Protection of Sites of International Importance

CTC7 – Protection of Listed Buildings

CTC9 – General Development Control Criteria

### **Leominster District Local Plan**

A1 – General Development Control Criteria

A3 – Protection of International Sites

A4 – Protection of SSSI

A9 – Safeguarding the landscape

A13 – Monitoring Pollution Control

A14 – Safeguarding Water Resources

A15 – Development and Watercourses

A18 – Listed Building and their Settings

A24 – Scale and Character of Development

A36 – New employment in Rural Buildings

A70 – Traffic

A76 – Parking

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

P5 – Promotion of environmental management

P6 – Environmental capacity

P7 – Protection of environmental assets

P12 – Innovative economy

S1 – Sustainable development

S2 – Development requirements

S10 – Waste

DR1 – Design

DR4 – Environment

DR9 – Air quality

DR13 – Noise

E8 – Design standards

E11 – Employment in countryside

E12 – Farm diversification

CA2 – Landscape character

LA3 – Setting of settlements

NC2 – Sites of international importance

NC8 – Habitat creation  
HBA4 – Setting of Listed Buildings  
W1 – New waste management facilities  
W3 – Waste handling  
W4 – Temporary permissions  
W9 - Reclamation

### **3. Planning History**

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

NC2000/2267/F – Change of use from agricultural workshops to commercial workshops – Granted 18<sup>th</sup> October 2000

NC2003/1895/N – Pilot plant and associated building for accelerated composting of organic material. Granted 16<sup>th</sup> June 2004.

#### Adjoining Land

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

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

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

### **4. Consultation Summary**

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

#### Statutory Consultations

4.2 Environment Agency: Have no objection.

4.3 River Lugg Internal Drainage Board: Any reply will be reported orally. With regard to the previous application, they noted that if there is any increase in discharge volumes or rates of discharge a consent will be necessary and that the developer will need to ensure discharges from the site do not adversely affect adjoining watercourses or the River Lugg SSSI/cSAC.

4.4 English Nature state: "... if no demonstrable effect is shown to accrue from this plant then there is no problem. The tight regulation imposed by both the Council and the Environment Agency on this works should ensure that no harm comes to the river, whilst at the same time making important steps towards achieving local recycling targets. As such English Nature has no additional comments to make on this variation of conditions."

4.5 Highways Agency: Have no objections.

4.6 Network Rail: Do not wish to comment.

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

Following on-site discussions with officers they withdrew their objections provided that any permission is time limited to 5 years and do not object to this application or wish to make any representation other than “We recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of conservation advice locally.”

#### Internal Council Advice

- 4.8 Environmental Health Officer comments as follows: “I can confirm that my comments on the previous application DCNC 2003/1895/N are relevant to the present determination.

As stated previously information on noise nuisance is available to this Service from 3 sources i.e. complaints from the public, reports from monitors in Stoke Prior and officer observations.

The information provided previously referred to a period between February 04 and April 04. Since that time this Service has received a further 9 individual complaints. These refer to 6 specific events. The source for 2 of these complaints was identified as being other than Bioganix, for 3 of the complaints the source could not be positively identified, 3 were due to Bioganix at a time of mechanical failure, and 1 was concerning ongoing odour emissions. Officer monitoring/observations have identified very little faint odours having only been observed occasionally on the A49 by the Bioganix plant. Resident monitors in lower Stoke continue to note odours on a level comparable to that reported to the Committee previously. The applicant has submitted an analysis of these odour reports which looks at reports of unacceptable odours and the probability of these being associated with the composting process by comparing these to the wind direction at that time. It concludes that whilst all the odours reported can not be attributed to Bioganix improvements such as covered conveyors to move materials and increased filtration and improvements in existing plant can reduce these incidents, but that this is not possible within the constraints of the present permission.

I would take this opportunity to comment on the table of results provided comparing wind/odour in that it shows that on average only 1.77% of a day nuisance is caused. Although this appears to be a very small amount the perception of the persons providing odour monitoring records is that unacceptable odours occur frequently, although sometimes only for short periods and that the situation for them is unacceptable.”

The earlier comments (in summary) were:

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

“The information available to me as regards this proposal in the main indicated that should proper controls and practices be employed that it can be undertaken without causing odour nuisance.”

“The odour plume analysis suggests that the odour emissions from the composting can be treated to a level that should not cause nuisance nor give rise to a loss of residential amenity. The sampling done shows clearly that there is a substantial improvement in the removal of odour from the extract gases once they pass through the Biofilter achieving a reduction in odour of approximately 98%. Prior to the introduction of this filter the odours emitted through the exhaust system were at a much greater concentration and gave rise to numerous complaints and were in my opinion unacceptable. Information available to me in the way of odour monitoring in the main supports the conclusions of the odour plume analysis, the exception being the observations by residents keeping records.

It is difficult to check on the source of the odour with this type of report, however there are instances where odour is attributed to the Biogonix plant when other activities were taking place in the area, which could account for the nuisance. For example, I would bring your attention to the reference to a group of tourists deciding not to visit Leominster on the 1<sup>st</sup> April. Investigation of complaints from residents of Leominster at that time identified the source to be manure spreading on land near to the new Leominster Industrial Estate.

The records provided are useful in indicating trends and they show an improvement. Reports of odour are not now as frequent, often being less intense and of short duration. It is clear, however, that the residents keeping the records do not find the situation acceptable.

Officer observations since February only regularly identify odours on the A49 adjacent to Wharton Court. However, these are not at a level that could be regarded as a nuisance.

I would therefore conclude that whilst I appreciate concerns expressed by residents, it may prove difficult to defend on appeal on the grounds of odour nuisance.”

#### 4.9 Head of Conservation:

##### Listed Building Issues

In recognition of its outstanding architectural and historical importance Wharton Court is given a two star grading on the statutory list. Only a small proportion (about 6%) of the nation's built heritage are graded in this way which means that Wharton Court is of significant national as well as local interest.

This tall, stone-built Jacobean house that dominates the flat-lands formed by the Lugg and the Arrow, must have been built to be seen and admired. Four stories tall, with prominent chimneys rising from each corner, it commands the valley from Leominster to Hampton Court. Pevsner describes it as ‘forbidding’, and indeed it is. The presence of the C17 barn to the north of the Court suggests that an agricultural livelihood has always been associated with this place.

Although railway, trunk road and by-pass break up the estate, the powerful presence of the house is still very evident from positions along each of these routes.

The nature of the expansion at Wharton Court and the spread of its operations seriously threatens the visual quality of the house within its setting. As part of a plan for

agricultural diversification, a series of functions have stealthily invaded the area to the north of the Court House and its appearance is now marred by industry.

In recognition that a balance needs to be achieved between the demands of agricultural diversification and the need to protect the setting of important listed buildings, temporary permission was granted by this Council in June 2004 to retain some extremely visually invasive buildings on the site. It follows that an extension to that temporary permission would not protect the setting of these listed buildings.

If this application is approved, the precedent could be set for future applications for extensions of time and the long term setting of the listed buildings could be endangered.

#### Landscape issues

The County Landscape Character Assessment identifies this area as Landscape Type "Riverside Meadows". This is a distinctive landscape character type, typified by the flat, linear nature of the topography, lack of settlement and woodland and linear pattern of riverside trees. The location of such an imposing building in this otherwise unsettled flat landscape is therefore extremely dramatic.

However, the effect of this powerful juxtaposition has been significantly eroded over the last few years by a number of developments at Wharton Court associated with farm diversification. These developments have given no consideration at all to the impact on the character of the landscape, the setting of the Court or the views from public vantage points such as the A49. A substantial bund has been constructed at right angles to the A49, parallel to the northern elevation of the large barn, previously approved. This has been planted with trees but is so steep that they are unlikely to thrive. As a feature within the landscape it is extremely visually intrusive and destroys the landscape character and views along the flood plain. It does not provide acceptable screening for the development considered by the current application and the potential for increased screening from the tree planting, if it survives, is negligible within 5 years.

Great harm has already been done to the local landscape character, the views along the river flood plain and the setting of Wharton Court. This harm can only be exacerbated by an extension of time to the original temporary permission. It may also result in other unauthorised development taking place elsewhere when prospective developers perceive, however wrongly, that the development at Wharton Court has been accepted by the local authority.

The application could therefore be refused on Conservation grounds.

## **5. Representations**

- 5.1 Humber and Stoke Prior Group Parish Council opposes this application. It does not wish to see the conditions on the original permission altered.
- 5.2 Leominster Town Council: "Recommends refusal for the following reasons:
  - 1) In the interests of protecting the long-term setting of Wharton Court and the two adjoining listed barns (Leominster District Local Plan Policy A18: Listed Buildings and their settings), and
  - 2) It is felt that the problems of offensive odours emanating from the pilot plant have not been resolved and that the environment and amenity of the local area and local populace should be protected from this persistent and long-term problem."

5.3 Hope-under-Dinmore Parish Council: "Oppose the planning application ... as our parishioners have been subjected to obnoxious odours from this site for far too long. It is considered that the planning permission already granted is more than adequate."

5.4 2 letters of objection have been received from:

Mrs M A Jones, Stone Farm, Stoke Prior  
Mr and Mrs Evans, The Dalmonds, Stoke Prior

The principal points of objection are:

- Support for the adequacy and appropriateness of the existing conditions
- Need to protect bird and animal habitats, prevent pollution and protect the SSSI
- Misleading claims by the applicant
- The risk of pollution

A continued complaint, however, has been of the odour nuisance produced on the site.

One letter of qualified support has been received from Sir Simon Gourley, Hill House Farm, Knighton, LD7 1NA, the essence of which is: "Nobody in their right mind would claim that the experience of the 7Y composting plant has, to date, been little short of disastrous." "... I have no personal financial involvement in this matter but I do feel very strongly that what they are trying to do at the troubled plant represents the sort of problem that society has somehow to overcome, but cannot possibly if everyone holds up their hands in horror and claims that it is some one else's. It isn't, it and similar problems belong to all of us. The future well being of much of Herefordshire will depend on finding satisfactory solutions ..."

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

## **6. Officers Appraisal**

6.1 The application is to vary 4 conditions on the existing permission. The proposed variations to conditions 1 and 2 have important implications for the setting of the Listed Buildings, the River Lugg SSSI c/SAC, the landscape and the amenities of local people and are considered in detail below. The proposed variations to conditions 3 and 4 can be dealt with more simply, however, and are addressed first.

### Condition 3

6.2 The existing condition was intended to control the volume of waste material being processed on site, in the interests of amenity and because greater volumes could have adverse effects which might need further assessment. Officers accept that as phrased, however, it could prevent the importation of other necessary materials, e.g. building materials which would not be significant and which need not be controlled. A difficulty arises, however, with the variation proposed in that definitions of waste are not fixed and can be assumed to change over time. Members should also be aware that most agricultural waste is not a 'controlled' waste and would not therefore be covered by the proposed variation. Limiting processing to 'controlled waste' could therefore allow unlimited volumes of uncontrolled waste to be imported. The current process does not yet work perfectly, allowing larger volumes might compromise its success and worsen local amenity. Officer's advice, therefore, is that whilst the broad principle of the



variation proposed is acceptable, the wording proposed might itself prove ambiguous, open to abuse and difficult to enforce. They recommend therefore that the proposed variation be refused but that the following be substituted, to delete condition 3 and replace it with

“Not more than 12,000 tonnes of materials shall be composted at this site in connection with the development hereby permitted during any 12 month period.”

#### Condition 4

- 6.3 Condition 4 was originally imposed to attempt to limit the development to the more recent permission and to prevent the almost unrestricted original permission (NC2000/2267/F) being used for composting. In retrospect, given the extent of the works necessary to undertake in vessel composting at this site, officers consider that it is not necessary. An unforeseen consequence of the condition was also the difficulty it caused to the legitimate use of another building as a workshop, covered by the 2000 permission. In conclusion, therefore, officers recommend that the proposed variation to delete condition 4 be approved.

#### Condition 1

- 6.4 This condition is to extend the temporary permission for composting from July 2005 to 31<sup>st</sup> December 2008. The principle considerations as to whether planning permission should be granted were set out in the Sub-Committee agenda of 16<sup>th</sup> June. These issues are still material to this application, but the general issues of whether planning permission should be given have been considered. None of the issues of planning principle have changed since then and Members should be aware therefore that there are no reasons to refuse planning permission for the proposals in terms of National Waste policy (as set out in Waste Strategy 2000 and Planning Policy Guidance Note 10), the Draft Regional Waste Management Strategy, or other aspects of emerging Regional Policy.
- 6.5 SSSI/cSAC The application site adjoins the River Lugg SSSI, cSAC the protection of which must be given the highest priority. Neither English Nature or the Environment Agency consider however that the application would have any adverse implications for the designated sites or species. Although the need to prevent pollution of the river or watercourses which feed into it is of the greatest importance, there are no reasons for refusing permission on the grounds that it would have an adverse effect on the river Lugg SSSI/cSAC.
- 6.6 Structure Plan and Local Policies Structure Plan Policies for waste, notably policies WD2 and 3 prescribe that the site for the disposal of waste should have regard to the geographical and transport relationship between the sources of waste and the proposed handling or disposals, the cumulative impact of those facilities and the need for them and set out a list of criteria against which applications will be considered.
- 6.7 Other policies in the Leominster District Local Plan amplify these and relate to the wider implications and effects of proposals. These issues are simplified under general headings:

#### Location/Proximity to Waste Sources

- 6.8 The proximity of waste management facilities to the sources of waste handled is a matter of considerable importance and the ‘Proximity Principle’ is now enshrined in

Government Policy and a central part of the concept of BPEO. In this case the application site is located on the trunk road network and is fairly well placed to take deliveries of waste minerals from the north of the County and has good links to the wider road network. Much of these materials are relatively locally produced and it could not be argued that the proposed variations could be refused on the grounds that it did not comply with the Proximity Principle.

#### BPEO (Best Practicable Environmental Option)

- 6.9 The concept of BPEO is central to national waste policy and the Courts have held that it is a consideration, which must become in mind at all times by the decision maker. The Council has adopted a BPEO for the major waste streams, that for commercial and industrial waste, (which it could be argued includes the materials involved here) is to reduce the element landfilled to 23%, increase recycling to 73% and thermally treat the remaining 4%. The composting plant would increase recycling of waste streams, which at least in part could be described as originating from food preparation. If this is accepted it would in principle be in accordance with the BPEO. Even if the waste stream is defined as agricultural the application is to develop a means of transforming a fairly difficult waste, into compost quickly and in principle this must be desirable particularly in this County where poultry processing is important and large scale. As such it conforms to the principle of the Waste Hierarchy. The proposed variations to condition 1 would enable further recycling to take place. The weight to be given to this aspect of the BPEO for this proposal must be set against the possible harm notably to the amenities of local people which might ensue.

#### Effects of Surface and Ground Waters

- 6.10 The protection of local water sources from pollution is of the highest importance – the nature conservation interests of the River Lugg SSSI/cSAC are particularly vulnerable. There are no suggestions however from the statutory consultees that local surface and ground waters could not be adequately protected by the imposition of conditions. If permission were to be granted Officers would argue that the retention of these is essential.

#### Effects on Nature Conservation

- 6.11 The site adjoins the River Lugg and the land between the river and the site is of very high nature conservation value. Again, if permission were to be granted officers consider it essential to maintain the existing conditions relating to the protection and enhancement of nature conservation.

#### Effects on the Landscape

- 6.12 The application site is outside of but overlooked by the Area of Great Landscape Value. The 'tower' added to the barn in the north side of the site is particularly prominent and Officers consider distracts from views of the AGLV for some distance along the A49. The landscape of the application area itself is markedly flat with long views north to south along the river valley. As the Head of Conservation has commented, historically Wharton Court dominated this view. A number of intensive developments have diminished this effect over the years. The (permitted) barn to the north of the site and the bund alongside the A49 and north of the site (some of which is permitted) are significant in this respect. The 'tower' added to this barn, which is fundamental to the pilot plant, is particularly so. The weight to be given to the effect of

this tower, when considered against other developments on and around the site must be a matter of opinion. Officers' original advice was that the tower has an adverse impact on the local landscape and recommend that it should be refused on these grounds if the application were for its permanent retention. Its retention for a limited period is arguably, however, less significant and officers do not consider that the proposed variations to conditions 1 and 2 could be refused on these grounds.

#### Effects on Local Settlements and Amenities

- 6.13 The pilot plant is not visually attractive but only limited parts are visible from adjoining public land. What is visible from Wharton Bank, the settlement closest to the site, significantly impacts on the view and could be considered a disamenity. Other effects on local settlements and amenities must include additional traffic, noise, dust/litter and vermin. Objectors have drawn attention to these. They are however material considerations to the planning application but officers did not find sufficient evidence to justify refusal of permission for the development in principle on these grounds, and equally could not recommend that the proposed variation to allow an extension of time should be refused on them.
- 6.14 The most important effect on local amenities from the development has undoubtedly however been the creation of unpleasant odours. When the application was considered in June, officers commented that it is not easy to discuss the issue in the measured way necessary in considering a planning application, and that Members should not have had any illusions that the objections made by local people were unfounded or unreasonable and that the smells originating from the plant up to the end of 2003 were repellent and must have been very distressing to local people. If these smells had continued in the same way officers would have recommended refusal on the grounds of the unacceptable effect on local amenities, residents and visitors to the area. Members are reminded, however, that the proposal is for the development of a pilot plant for a limited period. The process is by implication experimental and subject to change. Over the past years these changes have been considerable and have significantly improved the operation of the plant. The Council's Environmental Health Officer has monitored the site since 2002 and originally found much that was objectionable. Since the beginning of February 2004 however he has received far fewer complaints
- 6.15 The Parish Council has submitted 2 reports since June, reporting 35 odour incidents. Most of these are described as "short bursts" lasting only a few minutes. By definition, most of these have been difficult to verify. It must be stated that the EHO does not consider that all of these are attributable to the composting operation but officers are equally sure that some should be. The applicant has submitted a thick file of monitoring reports, including those made by local people. A 5-page analysis of those submitted by the applicant states, inter alia,

#### ***"Results from Wind/Odour Monitor Comparison From a total of 187 days***

1	<i>Days on which the wind allowed Bioganix to cause a problem</i>	166
2	<i>Days on which a problem was reported</i>	91
3	<i>Days on which wind allowed these to be accurate</i>	81
4	<i>Total mins of nuisance reported</i>	5350
5	<i>Total mins allowed by wind</i>	4859.5
6	<i>Average percent of day when nuisance occurred</i>	1.77%

**“Conclusions**

*Discounting the confusing and recurring incidents of reported smells from the Bioganix plant when the wind has been in a contrary direction to the complainant, we appear to have two separate types of incident. Both of these are short bursts of smells; one is at various times during the working day and the other type is early in the morning. The short bursts reported during the day are generally consistent with our own observations of slight smells detectable when the transfer trailer is in use for a few minutes time, three to five times per day. The early morning bursts do seem to be mainly consistent with the known effects of overnight still air and inversion effects. The early morning bursts of smell could indicate that at times the filtration of the overall exhaust air could be improved. It is interesting to note that we have identified 89 days on which weather conditions could have been such that if the plant was producing a smell it would have been blown in the direction of complainant houses. However on only 6 of these days have we been notified of a possible complaint. Some of these appear to correlate with periods when the plant was suffering some form of mechanical breakdown, or shutdown for some purpose. This would have led to a delay in processing and a rise in the amount of untreated material being stored within the sealed bunkers. All this would appear to indicate that the filtration system has been generally very effective, but that it can sometimes struggle if a high loading is present.*

*The presence of reported complaints about Bioganix that contradict weather records does serve to confuse the task of analysing the data, however it does highlight the difficulties of the situation. Bioganix does not seek to dismiss in any way the genuine concerns of local residents, nor does it seek to deny its responsibilities. Given the past history of the plant it is entirely understandable that any smells in the area will tend, automatically, to be attributed to the plant. This does present problems in terms of the perception of the plant and highlights the difficulties of working towards achieving a level of zero complaints.*

**Solutions**

*The reports of short bursts of smell that we have attributed to the continued use of the transfer trailer between site buildings would appear to confirm our view that the installation of a sealed conveyor between buildings would have a dramatic effect on the remaining issues from the plant. The designs for this conveyor have been drawn up for some while and were agreed and included within the original planning application. Work on this project would take probably 3 to 4 months from commencement. The imposition of conditions 1 and 2 on the planning approval, limiting operation of the plant to 12 months only have made it commercially impossible to proceed with this development. Bioganix and its financial backers are not in a position to undertake such expenditure with perhaps only 6 to 8 months of operating time in which to recoup the additional investment.*

*Overall filtration of the air does appear to have been very effective. The bio-filter itself was part of the original planning application. The base of the filter has been constructed in such a way that its size can be doubled. The company felt that whilst some investment prior to planning approval was necessary it would be imprudent to install all of the filter until the future was more certain. The imposition of conditions 1 and 2 on the planning approval, limiting operation of the plant to 12 months only, have made it commercially impossible to expand the filter to the planned size. Bioganix and its financial backers are not in a position to undertake such expenditure with perhaps only 6 to 8 months of operating time in which to recoup the additional investment.*

*Reducing the initial odour loading on the filtration system will also help to improve the efficiency of filtration. Build ups of stored material are caused by breakdowns in the*

*composting equipment itself, resulting in additional material having to be stored within the sealed buildings until such time as the equipment can be repaired and the backlog cleared. Most breakdowns have occurred due to mechanical failures of the main compost vessel. This vessel is the original prototype design, it has understandably suffered a number of mechanical problems purely due to it being a prototype. Bioganix had planned to replace this original vessel with a new piece of plant incorporating all the design changes highlighted by the prototype. A new vessel would be inherently more reliable and very unlikely to suffer long periods of inoperation. This investment cannot take place whilst the plant is expected to be shut down within 12 months. The investment is only feasible over a minimum 4 year period.*

*The Board and management of Bioganix believe that carrying out the proposed changes would continue the dramatic and ongoing decline in odour incidents. ....”*

- 6.16 Officers believe that this is plausible and that if the extension of time requested were to be granted conditions could be imposed requiring the installation and use of covered conveyors, by a specified time. This should further reduce the odour nuisances which have proved so unpleasant locally. The essential issue is whether Members consider the applicant's case reasonable and the measures proposed likely to succeed or that the case is unconvincing and unlikely to succeed – with a corollary that if the latter, the risk to the amenities of local people is enough to justify refusal. There cannot be a certain answer to these questions but it must be acknowledged that the plant has been progressively improved and that, if “bursts” of odour currently result from the lack of covered conveyors, and the need to extend the bio filter, their installation might be successful in permanently preventing odour nuisance recurring. Officers' advice is that they would not recommend that permission should be granted for the permanent use of this plant on this site on the grounds that the adverse effects on the 3 Listed Buildings, especially Wharton Court, and on the landscape character of the area are unacceptable. They do, however, consider that a short term use would be acceptable in Listed Building and landscape terms.
- 6.17 The application itself is explicitly for a pilot project for another 3½ years beyond that already permitted. If permission were to be granted it could be done on explicit conditions that it ceased and that all the built elements constructed were removed from the site by 31<sup>st</sup> December 2008. This could be enforced. The advantages would be that the applicant is able to refine the pilot project and would have time to develop an alternative site. The disadvantages would be that local people might be exposed to further disamenity and that the Council has accepted that adverse effects on the Listed Buildings are acceptable in the short term.
- 6.18 Officers believe that there are indications that the site is now operating better and given the time applied for, may be completed properly. The applicant claims that this will end the odour nuisance. The proposal can be effectively time limited by condition and officers recommend that the application to vary condition 1 shall be granted. Its continuation would mean temporary adverse effects on the setting of the 3 Listed Buildings, particularly the most important, Wharton Court itself, but on balance Officers consider that this short-term disbenefit could be seen against the possible benefit that the further development of the pilot plant and its odour control elements would create. This would also have a subsidiary effect in creating an additional income stream for the repair of the Listed Building. In order to secure this, two conditions (Nos. 4 and 5) are proposed to require air tight conveyors to transport materials between the main process buildings and another (No. 6) to control hours of vehicular movement. National policy is to encourage innovative waste technologies in order to significantly increase the country's recycling capacity. The emerging UDP generally encourages

recycling and encourages short-term pilot projects, the applicant's case is that a minimum of 4 more years is necessary to ensure that the technology is successful. Nothing in the UDP requires this application to be refused. On balance therefore Officers recommend that planning permission should be granted. On further consideration, however, Officers consider that the condition could usefully be rephrased to make enforcement more effective and they recommend therefore that the existing condition be deleted and replaced with

"1) The use hereby permitted shall cease on 31<sup>st</sup> December 2008 and no material whatsoever shall be processed through any part of the development hereby permitted whatsoever after that date."

#### Condition 2

- 6.19 The proposed variation to condition 2 is simply to tie in the proposed site clearance with the proposed extension of time. If the latter is granted, it would be perverse not to grant the variation to condition 2. Officers consider that both the original condition and that proposed could also be slightly rephrased to make enforcement more effective and they recommend therefore that a date of 30<sup>th</sup> November 2008 be imposed by which the scheme must be submitted and minor changes of the description of what is to be removed be added.

#### Conclusion

- 6.20 If the changes proposed were to be permitted both the applicant's wish for a longer period to prove the effectiveness of the plant and odour control systems and officers to impose the most enforceable conditions will be achieved, local people's amenities should be effectively protected and the long term setting of the Listed Buildings secured.
- 6.21 Members should also be aware that in Waste Planning terms the development of in-vessel composting has been difficult if this pilot project were to be successful it could have a wide application and lead to the development of a useful waste treatment technology.
- 6.22 S72(1)(b) of the 1990 Act expressly gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period. This power is clarified in Circular 11/95 which advises inter alia, that, "a temporary permission will normally only be appropriate where the applicant proposes temporary developments, or when a trial run is needed in order to assess the effect of the development of the area ..."
- 6.23 The Circular notes that such a permission must be reasonable having regard to the capital expenditure necessary to carry out the development. In this case the applicant has expressly applied for permission for a "Pilot Plant ... until 31<sup>st</sup> December 2008" and in supporting documents states:  
"The current plant is intended to be operated only as a pilot plant. It is needed as a proving ground for the principles and technology of composting and as a demonstration of the effectiveness of the process, with a view to relocating the entire operation to a larger plant on allocated industrial land at the earliest opportunity."
- 6.24 It could not reasonably be argued therefore that the applicant was under any illusion that he was applying for a temporary permission. The variations proposed for conditions 1 and 2 will require the site to be cleared of all buildings, structures etc. associated with the application and the applicant has supplied a plan and schedule

indicating all of these. There cannot therefore be any ambiguity that the proposal is for a specific, limited period and will be removed at the end of that time.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 - The use hereby permitted shall cease on 31st December 2008, and no material whatsoever shall be processed through any part of the development hereby permitted whatsoever after that date.

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

- 2 - Not later than 30<sup>th</sup> November 2008 a scheme of work shall be submitted to the Local Planning Authority for their approval in advance in writing for the removal of all of building 1, the high part of building 4 (i.e. that part not permitted under ref. NC1999/2252/F granted 8 March 2000), the scrubber tanks numbered 1, 2, 3, 4 and 5, the enclosed conveyor, two overhead ducts, the structure between building 4 and odour scrubbing unit No. 1, contents of the bio-filter and associated structures and works shown on plans 488/03 Rev B (May 04) and 488/04 Rev B (May 04) and described in Bioganix's letter of 10 May 2004, and any other structures, works, equipment or materials on site in connection with the development hereby permitted, from the application site before 30th June 2009, and for the restoration of the site to agriculture and to the condition permitted under ref. NC1999/2252/F and the approved scheme shall be fully implemented before 30th June 2009.

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

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

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

- 4 - Not later than 6th April 2005 a covered conveyor shall be constructed on site in accordance with drawing no. 488/03 rev B (May 04) in such a way as to ensure that no odour escapes from it during its use.

**Reason:** In order to protect the amenities of local people and visitors to the area.

- 5 - After 6th April 2005 no composting or composted materials shall be transported between buildings 4 and 1 as shown on plan no. 488/03 rev B (May 04) other than by means of covered conveyor.

**Reason:** In order to protect the amenities of local people and visitors to the area.

**6 - E02 (Restriction on hours of delivery )**

**Reason: To safeguard the amenities of the locality.**

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

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

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

**Reason: To prevent the increased risk of flooding.**

**9 - F25 (Bunding facilities for oils/fuels/chemicals )**

**Reason: To prevent pollution of the water environment.**

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

**Reason: To prevent pollution of the water environment.**

**11 - F32 (Details of floodlighting/external lighting )**

**Reason: To safeguard local amenities.**

**12 - F34 (Restriction on level of illuminance of floodlighting (sports grounds)) (after 'boundary' add 'and in the interets of highway safety')**

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

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

**No materials or substances shall be incinerated within the application site.**

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

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

**Reason: To protect the appearance of the locality.**

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

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



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

- Noise monitoring locations**
- Method and frequency of measurement in accordance with BS4142 1997**
- Presentation of results and their interpretation within 7 days of measurement and**
- Procedures to be adopted if noise levels go above 5d BA LAeq above background levels**

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

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

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

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

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

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

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

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

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

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

**Reason: In order to protect water voles.**

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

**Reason: To direct traffic onto the primary road network.**

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

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

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

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**DCNE2004/2398/RM - ERECTION OF A NEW  
AGRICULTURAL WORKERS DWELLING AND  
DETACHED GARAGE AT GILBERTS FARM, LILLY  
HALL LANE, LEDBURY.**

**For: Mr & Mrs G Gilbert per David Bull Associates  
25 Blanquettes Avenue Worcester WR3 8DA**

**Date Received:**

1st July 2004

**Ward:**

Ledbury

**Grid Ref:**

68422, 36944

**Expiry Date:**

26th August 2004

Local Members: Councillors D Rule, MBE, B Ashton and P Harling

**1. Site Description and Proposal**

- 1.1 The site is located on the northern side of the access road leading to Lilly Hall and Old Lilly Hall, Ledbury. This access is onto the u/c 6002 road midway between Ledbury and Little Marcle at Rowlands Green.
- 1.2 The proposal is for the erection of a 2-bedroomed dwelling and detached double garage. The dwelling proposed will provide in the order of approximately 110m<sup>2</sup> floor space.

**2. Policies****2.1 Malvern Hills District Local Plan**

Housing Policy 7 – Siting and design of agricultural dwellings

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

H8 – Agricultural and forestry dwellings

**2.3 Planning Policy Statement 7 – Sustainable development in rural areas****3. Planning History**

NE02/3637/F - Erection of farm dwelling and detached garage. Appeal against non-determination. Dismissed 23.12.03. on the grounds that the Inspector was not convinced of an agricultural need and that the dwelling would be “unusually large and out of proportion to the needs of the enterprise. The fact that the applicant could afford to build the house is not the point, it needs to be sustainable in the long term by reference to the income-generating capability of the farm itself.”

NE01/2341/O - Outline planning permission granted for agricultural worker's dwelling 13.2.02.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 Environment Agency: No objection subject to conditions.

##### Internal Council Advice

4.2 Public Rights of Way: No objection.

4.3 Head of Engineering and Transport: No objection.

#### 5. Representations

5.1 In support of the application the applicant's agent advises: 'We have designed a 2-bedroomed house as a simple gable with the first floor accommodation within the pitch of the roof. The roof lines extend down towards the ground to visually anchor the building to its site. Materials will be a combination of heavy masonry, possible local stone, and timber weatherboarding above with a plain tiled roof. External joinery, including all windows and doors, will be in stained hardwood.

Whilst we have kept the three-dimensional form of the building fairly simple, we acknowledge that the building is a new dwelling and have modelled the elevations to reflect this in a contemporary way. We have attempted to replicate the basic form of the house in the detached garage and will copy the house's gable treatment by utilizing timber boarding above garage eaves level.'

5.2 Letters of objection have been received from

Morton Fisher Solicitors, on behalf of Mr and Mrs Casdagli, of Old Lilly Hall  
Mrs J Caro of Lilly Hall Stables  
and Thomas Casdagli

making the following points:

- 1) A questionable decision to grant outline planning permission in the first instance, as confirmed by the Inspector on appeal, and critical of the original report to committee
- 2) The dwelling should be sited closer to agricultural buildings as currently proposed on the highest part of a relatively flat field
- 3) Could be located to the north-west to be less intrusive
- 4) Inappropriate design, inappropriate materials
- 5) No right of access across the grass verge to the site
- 6) Too little attention paid to landscaping
- 7) No dimensions on drawings and appears to be larger than 110m<sup>2</sup> suggested

In addition, comments stating 'I regularly travel pass the driveway and feel the design does not fit in with the relaxed local environment and support the previous submissions of objection' have been received from:

Mrs C Deacon of Ross-on-Wye  
Mr and Mrs Bouchier of Little Marcle  
J Mahot of Hereford  
S Fowler of Newant  
T Fowler, also of Newant  
P Wheeler of Longhope  
D McGonnell of Colwall  
G Jenkins of Colwall  
L Lancet of Colwall

Additionally, comments supporting the previous objections of local residents have been received from:

Jemma Cox of Lilly Hall Farm  
Christy Sheehan of The Hop Kiln  
From Overseas Farm, Little Marcle  
P Brown, The Rafters, Rowlands Green  
C Rushton, Rowlands Green Farm

5.3 Three letters of support have been received from:

Mr and Mrs Davenport, Flights Orchard, Falcon Lane, Ledbury  
Mr and Mrs Beard, Upton Bishop, Ross-on-Wye  
Mr and Mrs Baker, Lilly Hall Lane, Ledbury

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 Despite references to the earlier decision to grant outline planning permission and the Inspector's conclusion on the need for a dwelling, there remains an extant outline planning permission for the erection of a farm worker's dwelling. The matters for consideration in this instance are the siting, design and external appearance, the means of access and the landscaping of the dwelling. It is also necessary to consider the appropriateness of the scale of the dwelling in terms of the needs of the holding and whether or not it is commensurate with that need.

6.2 The location of the application site was determined with the grant of the outline planning permission. The proposed house is to be located centrally within that plot. There is at this particular location a ridge in the ground which means that unless ground levels are reduced in height the dwelling would sit proud of the remaining field. This can be addressed with the imposition of a condition.

6.3 An indicative landscaping proposal has been submitted which shows planting within the application site. Further details of this planting will be required before the condition can be discharged.

6.4 In terms of the scale and design of the property, this is a modest dwelling with a ridge height of approximately 7.5m. The footprint of the dwelling measures approximately 8m x 9m. It is not considered that the use of stone, weatherboarding and plain tiled roof is inappropriate.

6.5 In terms of the question of the dwelling being commensurate with the need, the dwelling is considerably smaller than many that have been approved recently for agricultural workers' dwellings and complies with advice consistently given by officers. It is considered that on this point the application addresses the concerns of the Planning Inspector.

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

**Reason: To ensure the property remains commensurate with the need.**

- 3 - F48 (Details of slab levels )**

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

- 4 - F17 (Scheme of foul drainage disposal )**

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

- 5 - G04 (Landscaping scheme (general) )**

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

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

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**DCNE2004/1250/L - CONVERSION OF REDUNDANT FARM BUILDINGS INTO 6 RESIDENTIAL DWELLINGS AND ALTERATIONS TO MAIN FARM HOUSE AT BROOK FARM, LITTLE MARCLE ROAD, LEDBURY, HEREFORD.**

**DCNE2004/1249/F – AS ABOVE.**

**For: Ballingham Hall Ltd & Astley Towne Estates Ltd  
per Free Associates, Astley Towne, Astley, Stourport-on-Severn, Worcs, DY13 0RH**

**Date Received:**

**5th April 2004**

**Expiry Date:**

**31st May 2004**

Local Member: Councillor Rob Manning

**Ward:**

**Frome**

**Grid Ref:**

**67119, 36767**

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

- 1.1 Brook Farm is located on the northern side of the class III 1306 road approximately 250 metres from its junction with the A417 Hereford to Gloucester road at Little Marcle.
- 1.2 The proposal is to renovate the existing farmhouse together with the conversion of the traditional stone brick barns to six residential units.
- 1.3 The plans have been amended since submission to remove one access road through the western orchard and alter detailing on the barns.
- 1.4 This former 'model farm' would be converted retaining the traditional stone and brick buildings and remaining the steel framed buildings. The courtyard would be retained and used as the main parking area. A mainstream access would be provided through the orchard/paddock to the east. This would provide rear access to units 2 - 6. A new access to the farmhouse off the class III road is proposed from the orchard to the east.
- 1.5 An ecological report has been submitted with the application and mitigation works are proposed in line with the recommendations of that report.

## **2. Policies**

PPG1 – General Policy and Principles

PPG3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPG15 – Planning and the Historic Environment

**Hereford and Worcester County Structure Plan**

Policy H20 – Housing in Rural Areas  
Policy CTC7 – Listed Building  
Policy CTC9 – Development Requirement  
CTC13 – Conversion of Buildings  
CTC14 – Conversion of Buildings

**Malvern Hills District Local Plan**

Housing Policy 4 – Development in the Countryside  
Conservation Policy 6 – Protection of Listed Building  
Conservation Policy 9 – Alteration of Extensions to Listed Buildings  
Conservation Policy 10 – Alternative use for Listed Buildings  
Conservation Policy 11 – The Setting of Listed Buildings  
Conservation Policy 12 – Residential Conversion of Agricultural and Other Rural Buildings  
Conservation Policy 13 – Removal of PD Rights

**3. Planning History**

None.

**4. Consultation Summary**Statutory Consultations

- 4.1 The Head of Engineering & Transportation's initial raised concerns regarding visibility plays to the new western access but its usage has now been reduced and accordingly conditions are recommended.
- 4.2 The Chief Conservation Officer supports the proposal in principle subject to appropriate conditions.
- 4.3 The Environment Agency recommends conditions.
- 4.4 The Ancient Monument Society are concerned at the lack of historical data, uniformity of conversion, significance of a model form.
- 4.5 Council for British Archaeology state: "We requested the information because the list descriptions for the site highlighted the fact that the site houses an early 19th century model farmstead complex and that each of the varied buildings or range of buildings is described as a complete example. Listed farm buildings are relatively rare and so to find a complex that includes two hop kilns, hop rooms, cow shelter shed and barn: stables, cow house etc. listed in their own right, is important. The descriptions are also very detailed, and mention many internal features, fixtures and fittings such as troughs, hay racks, hop drying floors, louvred ventilators, large brick ventilation panel, threshing floor, etc as well as designed window treatment, ventilation patterns and joinery. The farmhouse is mentioned as early 19th century possibly with earlier origins and is said to retain a wing with complete (cider) mill and press.



Although numerous plans and elevations (existing and proposed) were sent to use, we were surprised to see no Historic Buildings Report, Conservation Plan, written justification or overall explanation of what was happening to buildings on the site. Structures are labelled with their future unit number without any cross reference to which listed building they are or what is extant.

It is well known that residential conversions can be the most harmful type of new use for agricultural buildings so that with such a fine site it is even more important than the full significance of existing fabric, structures and site is understood and recorded before proposals are drawn up and considered. Here occasionally a trough is outlined on plan but beyond this none of the features mentioned above are indicated (and the list is not exhaustive) on existing drawings and certainly not on proposed drawings.

I have tried to be brief in order to make a response within the allotted time span. There is much more I could have said. I am however happy to discuss the application further with you or the Conservation Officer. The current application, on the whole, is fairly sympathetic to the exteriors of the buildings though we do have concerns about some aspects that include the number of glazed openings and loss of doors specifically mentioned in list descriptions. However, it shows no sign of safeguarding interior fixtures and fittings, layout or of being sympathetic to internal spaces. It lacks the information needed to assess the impact of proposals on the special significance of the buildings (para 3.4 PPG15). It is destructive of historic fabric features and plan. Therefore on the details I have, I cannot support the application and must make a firm objection.

An evaluation of the model farmstead by a buildings archaeologist is imperative to inform proposals, as is further information on the origins of the farmhouse".

## 5. Representations

- 5.1 Little Marcle Parish Council state: Councillors have no objections and recommend approval to this proposed development, but would like to draw attention to the extra vehicles that would access the A4172 at Little Marcle, which is already a dangerous junction. Cllrs hope that highways will look to improve the situation.
- 5.2 CPRE comment: We are concerned about several aspects of this application. There are two main issues:
  1. We think the farm, a model farm and part of Herefordshire's heritage - should continue to be run as before: there is no need for the buildings to be redundant. We understand there were farmers willing to buy and operate it as a unit. The Council may like to consider its policy on preserving such historic farms.
  2. We do not think it has been made clear how the land would be farmed without any buildings. There is an obvious risk of future applications for a farmhouse and agricultural buildings. What assurance can there be that this will not happen?

The proposed driveway round the orchard and into Little Marcle Road is a matter of concern: both for its visual impact and from the road safety aspect.

Finally, it is difficult to envisage what overall visual impact the proposals will have on the farmstead as it is now. It seems to use that the proposals need to be more closely worked through and presented before any conclusions can be drawn.

## 5.3 Two letters of objection have been received from:

Penelope Farquhar-Oliver, Lower House Farm, Little Marcle, Ledbury.  
Ian Jones, Court Farm, Aylton, Ledbury.

The main points raised are:

1. Brook Farm is a complete example of a model farm, of which very few remain in the county. The split in ownership and development of a number of residential units would irreparably damage this valuable part of our farming history.
  2. The change to residential use, particularly at the proposed densities, will harm the character of the barns by the introduction of new fenestration and doorways.
  3. The setting of the Brook Farm farmhouse itself will be harmed by the density and proximity of the residential development.
  4. The density of the proposed residential development is out of keeping with the scale and nature of the surroundings.
  5. It should be possible to find an employment use for the barns, facilitation their repair and conversion in a nanner more sympaethic to the environment.
  6. Should an employment use be proven infeasible, a lower density residential development, retaining more of the intrinsic character of the barns, could be explored.
- 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. Appraisal

The main issues in consideration of this proposal are:

1. The principle of conversion.
2. Protection of the Listed Buildings and Model Farm.
3. Landscape impact.
4. Highway safety.
5. Ecological matters.

### 6.1 The Principle of Conversion

These traditional stone and brick buildings are worthy of preservation and comply with the main thrust of Conservation Policy 10 and 12 of the Malvern Hills District Plan and PPS7. This proposal will preserve the traditional buildings and remove the modern steel framed buildings. Furthermore, the buildings have been marketed for appropriate business re-use without success. Finally, the buildings are also structurally sound.

### 6.2 Protection of the Listed Buildings and Model Farm

The Conservation Officer has been extensively involved in discussion with the applicant and amendments to the layout have been agreed essentially the buildings now retain their spacial elements and new openings have been kept to a minimum. Some concern is still raised over the sub-division of units 5 and 6.

In addition the applicants have recently submitted a Building Recording and Assessment of Buildings document for this complex of buildings. This now provides a comprehensive description and commentary of the buildings, and was utilised to change the arrangements within the buildings to keep the features identified.

It is therefore considered that the proposal protects the Listed Buildings.

Finally, the issues relating to the retention of these group of buildings as an example of a model farm are noted however the scheme submitted compliments the quality of the buildings and there are no policies that support the retention of these buildings as a 'Model Farm'. It is therefore considered that the application could not be refused on this aspect.

### 6.3 Landscape Impact

The site contains a number of steel framed agricultural buildings and these will be removed in conjunction with the development of the barns. This will enhance the setting of the Listed Buildings within the landscape, and also re-define the core buildings that originally formed the 'model farm'. One access road through the orchard has also been removed and accordingly the landscaping impact of the development is considered to be an overall improvement.

### 6.4 Highway Safety

The main entrance to the barns will be the existing access into the courtyard. This will provide all the car parking for the converted buildings. A maintenance track through the orchard to the east will provide rear access. A new access to the farmhouse is included and is now considered acceptable. Originally units 4, 5 and 6 would also have obtained access off this entrance but this has now been deleted. Therefore, the single access is acceptable and reduces the amount of mature hedging that would have been required to have been removed. The Council's Head of Engineering is reviewing these alterations and his revised comments will be reported to committee.

6.5 An extensive ecological report was submitted with the application and the Council's Ecological Officer has been in extensive discussions and recommend appropriate conditions to protect the protected species discovered on-site.

## 7. **Conditions**

7.1 These extensive range of buildings have been thoroughly investigated and the detailing restored in the finalised plans, subject to appropriate conditions the proposal complies with the main thrust of planning policies and Government Advice.

## **RECOMMENDATION**

### **NE2004/1249/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. A09 - Amended Plans (7 September 2004)**

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

**3. B01 - Samples to External Materials**

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

**4. G01 – Details of Boundary Treatments**

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

**5. G04 – Landscaping Scheme (General)**

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

**6. G05 – Implementation of Landscaping Scheme (General)**

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

**7. Ecological Conditions**

**8. Highway Conditions**

**Informative**

**1. N15 – Reason for the grant of pp/lbc**

**NE2004/1250/L**

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

**1. C01 – Time Limit for Commencement (Listed Building)**

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

**2. A09 – Amended Plans**

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

**3. C05 – Details of All Joinery Details Including Finishes**

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

**4. C08 – Repairs to External Brickwork**

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

**5. C09 – External Repointing**

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

**6. C10 – Details of Rooflights**

**Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical interest.**

**7. C11 – Specification of Guttering and Downpipes**

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

**8. C12 – Repairs to Match Existing**

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

**9. C13 – Repairs in Situ**

**Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.**

**Informative**

**1. N15 – Reason for the grant of pp/lbc**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCNE2004/2771/F - ERECTION OF 18 NO. DWELLINGS  
AT LAND OFF NEW MILLS WAY / FROME BROOK  
ROAD, LEDBURY.**

**For: St John Kemble Housing Association per Roger  
P Dudley & Assocs Bartleet House 165A Birmingham  
Road Bromsgrove Worcestershire B61 0DJ**

**Date Received:**

**28th July 2004**

**Ward:**

**Ledbury**

**Grid Ref:**

**70437, 38348**

**Expiry Date:**

**22nd September 2004**

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

## **1. Introduction**

- 1.1 This 0.5 hectare site is located at the junction of Frome Brook Road and New Mills Way, Ledbury. This application forms the last residential development site on New Mills and comprises 18 dwellings, infants play area and car parking.
- 1.2 All of the development is two storey and consists of 9 x 3 bedroom dwellings, 5 x 2 bedroom dwellings and 4 x 2 bedroom flats.
- 1.3 Access to the site is off Frome Brook Road and provides for a 5.5 m access road with pavements either side. The layout provides for corner units at the estate road junction with Frome Brook Road and the corner of the site with New Mills Way. Internally the remainder of the development front onto the new access road. Development surrounding the site comprises two storey housing to the east, bungalows and community centre to the south, two storey housing to the west access New Mills Way. The north consists of the structure parking area in front of two storey housing.
- 1.4 An infants play area measuring 6m x 10m is located between plots 11-18 with parking for those units either side.
- 1.5 External materials will be brick and tiles to match the adjoining development.
- 1.6 To support the development a Design Statement has been submitted with the application.

## **2. Policies**

PPG 1 – General Policy and Principles

DPPG 3 - Housing

Hereford and Worcester County Structure Plan

Policy H13 – Location and Growth

Policy CTC9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns  
Housing Policy 11 – Affordable Housing for Local People  
Housing Policy 17 – Residential Standards  
Environmental Policy 12 – Disposal of Foul Sewage, Trade Effluent and Surface Water  
Recreational Policy 24 – Recreational Open Space Standards  
Recreational Policy 25 – Recreational Open Space Provisions  
Recreational Policy 26 – Maintenance of Public Open Space and Childrens Play Areas  
Ledbury Housing Policy 1

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Housing Policy 2 – Housing land allocations  
Housing Policy 9 – Affordable Housing  
Housing Policy 15 – Density  
Housing Policy 16 – Car Parking  
Housing Policy 19 – Open Space Requirement  
Recreation Policy RST – Standards for outdoor playing and public open spaces

### 3. Planning History

MHD1055/94 – Variation of condition 3 of MH320/89 to extend time limit for submission of Reserved Matters to 25.3.2001. Approved together with modifications to New Mills Section 106 Agreement 29.3.96.

MH320/89 – Residential development, industrial development, community hospital, ancillary roads, sewers, open space, landscaping. Allowed on appeal 9.8.90.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Severn Trent Water raise no objections.

#### Internal Council Advice

- 4.2 The Head of Engineering and Transportation recommends conditions.
- 4.3 Strategic Housing Services comment as follows: “Strategic Housing Services has worked in partnership with West Mercia Housing Group to bring this scheme to the Planning Application stage, and supports the scheme proposals to provide 18 affordable homes on this site.

The Council currently owns the land involved, which is subject to a Section 106 Agreement to provide affordable housing on the site as a part of the planning gain derived from a previous development in the area. The Council is working to transfer the land involved to West Mercia Housing Group to enable the affordable housing to be provided.

The scheme originally envisaged and tendered for amongst the Council’s RSL partners would have provided 22 units, 16 for rent and 6 for shared ownership, on an area a little larger than now actually available. The current application, if approved, will provide 18 affordable homes in Ledbury, 14 for rent and 4 for shared ownership. This



scheme has funding allocated to it from the Housing Corporation of approx £600,000, funding which must be committed through a start on site being made in this financial year

Any homes built would meet Housing Corporation Scheme Development Standards, including an EcoHomes 'GOOD' rating, and meet Lifetime Homes standards, .The affordable units would be allocated through Home Point, Herefordshire."

## 5. Representations

5.1 Ledbury Town Council comment as follows: "Members thought that this application was well designed and laid out, however, it was felt that the flats (polts 7-9) would be better situated if turned slightly so as the rear angle runs parallel to the fencing at the back of the property."

5.2 45 letters of objection have been received, of which 36 are identical. The main points raised are as follows:

a) Loss of Privacy and Overlooking

The design results in a significant loss of privacy to adjoining residents, particularly on the eastern side of the proposed two storey flats and bungalows to the south.

b) Loss of Amenity

The existing development is of a high quality, which includes the provision of integrated open space and significant landscaping and planting. No such provision is made within these plans. The density of the development exacerbates the lack of space.

c) Buffer Strip

A significant buffer strip was made on Area 15 opposite and this should be reflected in this proposal.

d) Highway Safety

The density will cause a significant increase in traffic and a danger to cycle users who will cross the entrance. No visitor parking is proposed.

e) Ecological Survey

We are aware that reptiles and amphibians live on site yet there is no mention of an Ecological Survey in the Design Statement.

f) The flats are located on the highest part of the site and will therefore dominate the skyline.

g) The active frontage onto New Mills Way should be removed to prevent parking on New Mills Way.

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 main issues in consideration of this proposal are:

1. The principle of development.
2. The layout, design and density in relation to the character of the area.
3. Highway safety and car parking provision.
4. Play Area.
5. Ecological Matters.

### 1. The Principle of Development

This planning application provides for the last residential development site on the New Mills Estate. The land was set-aside within the original master plan for development of the site for social housing and this application by St John Kemble Housing Association complies with that criteria. A Section 106 Agreement will be recommended to ensure the dwellings are retained for affordable housing.

### 2. The Layout, Design and Density in relation to the Character of the Area

The New Mills Estate has a mix of dwelling types and density. The density proposed for this site equates to approximately 36 dwellings per hectare which sits at the lower end of the recommended densities of 30-50 units identified in PPG3. The development to the east comprising detached dwellings equates to a density of 25 units to the hectare. To the north a mix of terraced and semi-detached units equates to 31 dwellings per hectare.

It is therefore considered that the proposed density of 36 dwellings to the hectare comprising terraced, semi-detached and four flats is acceptable, being compatible with surrounding development and within PPG3 guidelines.

The layout has been created to provide for active frontages onto the adjoining structure planting areas, and corner units to enhance the entrances into the development off Frome Brook Road and New Mills Way. Furthermore the location of the semi-detached dwellings on the eastern boundary provides for visual spaces through the development.

The design statement submitted with the application has identified features typical for housing development in Ledbury and these have been provided for in the submitted plans. They include these use of red brick facades with vertical sash cottage style windows, stone sills and feature brick soldiers. In addition, chimneys and render add individual character.

The layout has been amended slightly with the enclosure of the active frontage onto New Mills Way to enclose the development and prevent usage of New Mills Way as a potential parking area. In addition the flats located on plots 7-10 have been orientated marginally away from the houses to the east, in line with the Town Council comments. Concerns regarding the flats are noted however bedrooms are provided on the rear with the active spaces of lounge and kitchen located at the front of the units. In addition it should be noted that they are located approximately 25 m away from the nearest dwelling to the rear. Regarding the levels these will be conditioned to ensure that the buildings are sited appropriately. Finally reference has been made to the 'buffer zone' created on area 15, the bungalows to the south, however a 0.4 hectare

area was required by the master plan hence its retention on that site. There is no requirement on this site.

3. Highway Safety and Car Parking Provisions

The Council's Head of Engineering and Transportation has confirmed that the layout is acceptable and provides adequate car parking for each of the dwellings. One visitor car parking space was identified but has been removed as this is not required. All of the houses have 2 parking spaces whilst the flats have one space each. There is no policy requirement to provide further car parking spaces.

4. Play Area

An infant play area is proposed in compliance with recreation policies of the Malvern Hills District Local Plan and this will be included within the Section 106 Agreement for it to be transferred to the Council for its future maintenance.

5. Ecological Matters

Similar concerns were identified when the site for the bungalows to the south was developed. The Council's Ecological Officer investigated and was satisfied then that there was no protected species on the land. However, the Ecologist has again been requested to inspect the site and a verbal update will be given at the meeting.

6. Conclusion

The density, scale, design and layout of this area is considered to comply with the terms of the Master Plan for New Mills, Malvern Hills District Local Plan and Government advice contained in PPG1 and 3.

The development will provide an attractive combination of dwelling types and design which will compliment the existing development and complete the development of the New Mills Estate.

## RECOMMENDATION

**1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to:**

- a) **Affordable Housing**
- b) **Play Area**

**and any additional matters and terms as she considers appropriate**

**2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

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

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

**2 - A09 (Amended plans )**

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

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

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

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

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

**5 - F20 (Scheme of surface water drainage )**

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

**6 - F48 (Details of slab levels )**

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

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

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

**8 - G02 (Landscaping scheme (housing development) )**

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

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

**Reason: To ensure the play area is suitably equipped.**

**11 - H05 (Access gates )(15 metres)**

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

**12 - H11 (Parking - estate development (more than one house) )**

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

**13 - H18 (On site roads - submission of details )**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

14 - H21 (Wheel washing )

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

15 - 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 - HN05 - Works within the highway
- 3 - HN08 - Section 38 Agreement details
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN19 - Disabled needs

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCNC2004/2192/F - CONSTRUCTION OF 8 NO.  
HOUSES AT THE OLD FOLD YARD, CHURCH LANE,  
UPPER SAPEY, WORCESTER WR6 6XR**

**For: Elgar Housing Association per Fellows Burt  
Dalton Assocs Ltd The Old Telephone Exchange  
Gipsy Lane Balsall Common Coventry CV7 7FW**

**Date Received:**

**23rd June 2004**

**Expiry Date:**

**18th August 2004**

Local Member: Councillor T Hunt

**Ward:**

**Bringsty**

**Grid Ref:**

**68429, 63627**

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

- 1.1 The application site lies towards the north end of Church Lane in Upper Sapey. It is currently occupied by a number of relatively modern farm buildings situated around the concrete yard. The site has a frontage to the road of approximately 45m and a depth of approximately 40m. To the east of the site the land falls steeply to a stream, similarly just to the south is the same feature.
- 1.2 The proposal is for the erection of 4 pairs of semi-detached dwellings, comprising 4 three-bed and 4 two-bed affordable dwellings with 4 dwellings for rent and 4 for shared ownership.
- 1.3 Access to the site is via Church Lane from a new centrally located single access point. An informal play area is proposed to the south of the access and an area for communal drainage and heating equipment is proposed in the north-east corner of the site. The proposal will, of course, involve the demolition and removal of all the buildings on the site.
- 1.4 Church Lane rises from south to north, as the site is relatively level this means that the level of the site is above the road at its southern end but this tapers out to the north end of the site where it is only slightly above the road levels. The northern boundary of the site is lined with tall Leylandii trees. Just beyond the eastern boundary lie trees associated with the top of the bank of the stream.

## **2. Policies**

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

Housing Policy 4 – Development in the countryside

Housing Policy 11 – Affordable housing for local people in rural areas

Landscape Policy 1 – Development outside settlement boundaries

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

H10 – Rural exception housing

- 2.3 Supplementary Planning Guidance – Provision of affordable housing
- 2.4 Planning Policy Guidance Note 3 - Housing

### 3. Planning History

NC2001/2455/F - Construction of 8 houses and 2 bungalows on The Fold Yard. Refused 12.12.2001 for the following reason:

*"It is considered that the proposal is contrary to Housing Policy 4 of the adopted Malvern Hills District Local Plan in that it proposes residential development outside of the identified settlement boundary. There is insufficient evidence of local need to suggest that the proposal complies, as an exception to that policy, through the application of Housing Policy 11. Furthermore, an element of cross subsidy is proposed contrary to that policy and to the advice contained within Planning Policy Guidance Note 3: Housing, and the Council's Supplementary Planning Guidance: 'Affordable Housing'."*

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objection subject to the provision of foul drainage works.

#### Internal Council Advice

- 4.2 Head of Engineering and Transport:: Recommends that any permission be subject to conditions.
- 4.3 The Forward Planning Section advise:

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

The proposed housing site lies outside of the Upper Sapey settlement boundary as defined by the current adopted Malvern Hills District Local Plan. New residential development is not permitted outside of settlement boundaries unless listed as an exception to Housing Policy 4. Affordable housing is one such exception provided that the proposal also satisfies Housing Policy 11. In terms of housing need, the Council's Housing Needs Study from August 2003 indicates that there is a local need. The restrictions outlined in criteria (b) must be enforced if planning permission were to be granted and the proposed dwelling must be of a size that remains affordable in perpetuity.

#### **Unitary Development Plan – Revised Draft**

Upper Sapey is not included as one of the 46 main villages or 38 smaller settlements, where new residential development outside of Hereford and the market towns is to be concentrated. Exception housing is permitted within or adjoining rural settlements provided it satisfies Policy H10. However, proposals must be limited to one dwelling.

#### **Summary**

The proposal for 8 affordable dwellings adjacent to the settlement boundary of Upper Sapey, where there is a local housing need, satisfies the policies of the Malvern Hills District Local Plan. If permission is granted arrangements must be made to ensure



that the proposed dwellings remain affordable in perpetuity. It should be noted that the UDP Revised Deposit does not permit such developments. However, the weight afforded to this policy at this time is limited and so therefore the proposal should be judged against the Malvern Hills District Local Plan.”

#### 4.4 Strategic Housing Services comment:

“Strategic Housing Services fully supports the proposed development by Elgar Housing Association for the provision of affordable housing to provide a mix of rented and shared ownership homes in Upper Sapey to meet an identified housing need.

Whilst the site has been identified in Upper Sapey, this forms part of the North Bromyard Group of parishes and therefore any need identified can be applied to the parish. The group consists of five parishes comprising 267 households with Upper Sapey having nearly half of these (128).

As this is an exception site, a local need must be met and a housing need survey was undertaken for the group parish. Whilst the summary of the survey indicated “not a strong” need for affordable housing, a need for 7 affordable homes was identified. To support This HOMEPOINT data does indicate households seeking housing within the area.

To ensure that local needs are met, a S106 legal agreement will be entered into by the Housing Association which would give preference to those in housing need with a connection to firstly Upper Sapey, then cascading to the four remaining parishes within the group, then adjoining parishes and, finally, within Herefordshire.

This will assist young emergent households secure affordable housing in a rural area where house prices range from £160,000 which is well above the average household earnings capability for Herefordshire (i.e. average earnings £19,720 x 3 = £59,160). Without the provision of affordable housing in the parish, not only in Upper Sapey, but also the group parishes, there is a danger of younger households being forced out of the area.

I understand that an amendment is due to be submitted by the Housing Association to address issues following a meeting with the Parish Council. The Parish Council had indicated it felt that no additional housing was required. Interestingly, however, given that a recent application for 8 market houses received no objection from the Parish Council.

The proposed properties will be built to lifetime home standards that will ensure that should the needs of local households change over time, properties can be adapted to meet the changing needs, permitting families to remain in their local communities for support.”

#### ***“Upper Sapey: proposed Fold Yard development Summary of Housing Needs, RL/CW 20/9/04***

In May 2003 Herefordshire Council Research Team, on behalf of the Council’s Directorate of Social Care and Strategic Housing, undertook a housing needs study in the North Bromyard Group of parishes (Edvin Loach & Saltmarshe, Tedstone Delamere, Tedstone Wafer, Upper Sapey and Wolferlow).

A self-completion questionnaire was posted to each of the 267 households in this group of parishes, and 117 were returned, a response rate of 44%. The age profile of respondents was checked against the known profile for the 5 parishes (2001 census); similarly the distribution of council tax bands across all responding households was checked against the known proportions of the different bands within these parishes (council tax records). In both cases, the households who responded had a profile sufficiently similar to the profile across the whole Group Parish for us to be confident of generalising the survey results to apply to the whole population.

The survey asked about likely housing needs over the next 5 years. The results showed 7 households likely to need affordable housing (mainly smaller homes) and 2 affordable units likely to be released by households moving away – a **net** need of 5 units arising from those responding to the survey. Assuming a similar level of need from those households who did not respond, the net need of 5 units can be adjusted to show the need for the group Parish be multiplying the net need of 5 units by the total number of households (267), and dividing by the number who responded (117). This gives an overall likely need of 11 units.

In addition, two RSL properties for rent recently become vacant in Upper Sapey. Demand data for these homes from Homepoint, Herefordshire shows that there were 8 applicants for the 3 bed house and 5 applicants for the 2 bed house, mostly in the gold and silver categories. Applications were invited with a requirement for the successful applicant to be local or to have a local connection.

On the evidence above, Strategic Housing is confident that there is sufficient need to justify the proposed scheme for 8 homes, particularly the mix of rented and shared ownership providing a mix of tenure on the site.

The scheme has grant funding from the Housing Corporation of £461,342. This funding will most likely be lost to Herefordshire if the scheme does not gain approval.”

## 5. Representations

### 5.1 Upper Sapey Parish Council objects to the application for the following reasons:

- 1) The Housing Needs Study 2003 does not show a very strong need for affordable housing.
- 2) The roads around the site are not suitable for the increase in traffic movements, particularly Church Lane.
- 3) Even with a visibility splay, vision is still restricted.
- 4) The road width is restricted with no footpath and villagers are concerned with the road safety - an accident waiting to happen.
- 5) The proposal only provides parking for residents, visitors will have to park elsewhere causing access problems.
- 6) The site is overdeveloped and there is no safe area for playing.
- 7) This proposal is against the wishes of local residents. There is no proven need.
- 8) The design is poor and totally unsuitable.

The comments of the Parish Council received in response to the original layout, which has subsequently been amended. This layout indicated two large blocks of terraced housing. Comment on the amended scheme will be reported verbally at the meeting.

### 5.2 Objections have been received from the following local residents:

Mr Maddock, Brook House  
Mrs Clarke, 4 Church Close  
D Roberts, The Old Rectory  
V Smark, Harvestlea  
Heather Buchanan of Toad Hall Country workshop  
Mr Wilde, Springfield  
Helen Miles, Church House  
Ian Evans-Fisher, Church Cottage

Mr and Mrs Careless, Littlebrook  
Mr and Mrs Amphlett, 1 Church Close  
P T Rogers and Miss L Taylor, 2 Church Close

Their objections are summarised as follows:

- 1) The site notice read 'Old Ford Yard' not 'Old Fold Yard'
  - 2) The site notice was put up during the holiday period
  - 3) The buildings are still in use for agricultural purposes
  - 4) There are already significant numbers of council and social houses in Upper Sapey and already plenty to meet local needs
  - 5) Out of character with the area's larger properties. Similar development can be found south of Orchard Gardens and any further development should take place here
  - 6) No public transport
  - 7) Insufficient car parking
  - 8) Insufficient local facilities, local school has several full classes
  - 9) No public play facilities
  - 10) The roads are too narrow, currently 25-30 cars using Church Lane, the proposal will double this number. Unacceptable risk to cyclists to pedestrians
  - 11) A risk assessment has been submitted and lodged with Solicitors, in the event of an accident action will be taken against Herefordshire Council and any individual officers or committee members supporting a proposal
  - 12) No need for the development according to the 2003 survey
  - 13) Overdevelopment of the site
  - 14) No spare capacity in the sewage treatment plant
  - 15) New sewage treatment works will not be acceptable on the boundary of The Old Rectory
  - 16) This proposal is not initiated by the Parish Council and the whole village is opposed to it
  - 17) This is a rehash of the previously refused application and fails to comply with UDP Policies H10, H15 and H16
  - 18) The design is inappropriate
  - 19) Not a suitable location, particularly for children, consequently turn to vandalism
  - 20) Creeping urbanisation
  - 21) Possibility of contamination due to filling of land
  - 22) A dangerous dam is upstream
- 5.3 In addition, a letter signed by 8 residents of Upper Sapey expresses concern with the Council in its housing function for supporting this proposal prior to the consultation stage with local residents and that this is therefore a done deal.
- 5.4 A letter of support has been received from Jane Yelland of The Wain House on the basis that the view would be much improved and the traffic generated by the development would be preferential to the large farm vehicles.
- 5.5 In support of the application, The Festival Housing Group advise that from the supporting documents (namely the Housing Needs Study for the North Bromyard Group of Parishes August 2003) there is a demonstrable need for affordable housing units within Upper Sapey and the association is keen to assist local people by providing this mixed tenure development. The scheme comprises construction of 4 units for rent and 4 for shared ownership sale as there is a need to give families an opportunity to access home ownership, in addition to providing much needed rented

accommodation. Elgar Housing Association has an allocation of Housing Corporation funding to support this scheme.

- 5.6 The full text of these letters and the 2003 survey can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The application site lies outside of the settlement boundary identified in the Malvern Hills District Local Plan for Upper Sapey. Outside of the settlement boundary development would only be acceptable if meeting one of the number of exceptional needs. In this instance, that need is claimed to be for affordable housing. Housing Policy 11 of that document sets out criteria for consideration for affordable housing.
- 6.2 There has been much debate about the need for this development. One of the conclusions of the Housing Needs Study completed in 2003 was that the survey does not show a very strong need for affordable properties within this group of Parishes, particularly bearing in mind that some Housing Association property will be released by households moving out. Nevertheless, the interpretation of the information available suggests an overall likely need of 11 units. A summary of the survey appears under the comments of the Strategic Housing Section.
- 6.3 The criteria of Housing Policy 11 include reference to cross subsidy, scale, character and density of the development, site conditions and services, access issues, amenity issues, and the control of any subsequent occupation of the dwellings.
- 6.4 There is no cross subsidy element in this particular application, which formed part of the previous reason for refusal for the application submitted in 2001.
- 6.5 An amended layout and design of the dwellings has been submitted, which is a considerable improvement on the previously submitted scheme. It is not considered that the scale or design of the development is inappropriate to the character of the area. Despite claims to the contrary, the proposal is not contrary to Policies H15 or H16 of the Unitary Development Plan. It is not considered that there are any issues of overlooking of neighbouring properties and in terms of highway safety, the Head of Transportation and Engineering raises no objection.
- 6.6 Policy H10 of the Unitary Development Plan (Revised Deposit Draft) advises that, in locations such as Upper Sapey, in future exceptional housing sites will be restricted to provision of one dwelling only. However, at present the Malvern Hills District Local Plan is the adopted Local Plan and carries more weight than this policy. This is confirmed by the Forward Planning Section.
- 6.7 There remain a number of outstanding matters with the application including site levels, layout of the play area, drainage and heating equipment details. These, however, can be adequately covered by imposition of conditions.
- 6.8 A Section 106 legal Agreement will, of course, be required to ensure compliance with the requirements of Housing Policy 11 of the Malvern Hills District Local Plan, this will include lettings policy and safeguards regarding the shared ownership elements.

- 1. The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure compliance with the requirements of the affordable housing policy and any additional matters and terms she considers appropriate**
- 2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
  - 1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  - 2 - A09 (Amended plans )**

**Reason: To ensure the development is carried out in accordance with the amended plans.**
  - 3 - B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**
  - 4 - F18 (Scheme of foul drainage disposal )**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
  - 5 - F25 (Bunding facilities for oils/fuels/chemicals )**

**Reason: To prevent pollution of the water environment.**
  - 6 - F20 (Scheme of surface water drainage )**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.**
  - 7 - F48 (Details of slab levels )**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**
  - 8 - G04 (Landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**
  - 9 - G05 (Implementation of landscaping scheme (general) )**

**Reason: In order to protect the visual amenities of the area.**
  - 10 - G31 (Details of play equipment )**

**Reason: To ensure the play area is suitably equipped.**

11 - H03 (Visibility splays ) (4.5m x full extent of site frontage and 2.4m x 60m)

Reason: In the interests of highway safety.

12 - H06 (Vehicular access construction )

Reason: In the interests of highway safety.

13 - H14 (Turning and parking: change of use - domestic ) (16 cars – min 2 per dwelling)

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

14 - H21 (Wheel washing )

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

15 - 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 - HN05 - Works within the highway
- 3 - HN10 - No drainage to discharge to highway

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**DCNC2004/2391/F - SINGLE STOREY EXTENSIONS  
AND ALTERATIONS TO ENLARGE WORSHIP AREA,  
CREATE NEW HALLS & ROOMS, NEW ENTRANCE  
AND TOILETS AT LEOMINSTER BAPTIST CHURCH,  
ETNAM STREET, LEOMINSTER, HR6 8AJ**

**DCNC2004/2392/L – AS ABOVE**

**For: Trustees for Leominster Baptist Church per  
Mr P J Dennis Dip Arch RIBA DayOne Ryelands Road  
Leominster Herefordshire HR6 8NZ**

**Date Received:**

**30th June 2004**

**Ward:**

**Leominster South**

**Grid Ref:**

**49890, 58886**

**Expiry Date:**

**25th August 2004**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 Leominster Baptist Chapel, a Grade II Listed Building, is located on the south side of Etnam Street, opposite the entrance to Etnam Street car park, and between Norfolk House and Waverley House, and in the Leominster Conservation Area.
- 1.2 The chapel dates from 1771 and is constructed in red brick under a hipped clay tiled roof. Later additions include a 19th century extension with conical roof and 20th century extension at the rear.
- 1.3 To the rear of the chapel is a small graveyard and Caswell Terrace is beyond. There are 2 Poplar trees and a Yew tree in the graveyard.
- 1.4 These applications propose to enlarge the worship area by extending into the 19th century addition and removing the 20th century extension. Additional rooms are also proposed to be located between the chapel and Norfolk House. Internal alterations will include the removal of a pine pulpit, and pews. Access to the chapel will be from a new entrance lobby, which will include disabled ramp.

**2. Policies**

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

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A18 – Listed Buildings and their Settings
- A21 – Development within Conservation Areas
- A24 – Scale and Character of Development
- 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 – Setting of Listed Buildings  
HBA6 – New development within Conservation Areas

2.4 PPG 1 – General policy and principles  
PPG 15 – Planning and the historic environment

**3. Planning History**

NC2000/1540/L - Installation of partition wall. Approved 2.8.2000.

**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.

4.3 Chief Conservation Officer - Landscape: No objection.

**5. Representations**

5.1 Leominster Town Council: 'Recommend approval, but express concern over the lack of disabled access at the main entrance, and over the proposed movement of the pulpit, which, it is felt, should be the subject of evaluation by the Historic Buildings Officer.'

5.2 Eleven letters of objection have been received. The main points raised are:

- a) Loss of Poplar trees will be detrimental to the character of the area.
- b) Internal alterations will be to the detriment and harm of this Listed Building.
- c) Noise nuisance during building works.
- d) Effect on the amenities of the residents of Norfolk House.

5.3 The Georgian Group and Ancient Monuments Society both object to the application in that the proposal would result in the loss of significant historic fabric.

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 Leominster's Baptist Church, a small red-brick building of pleasing proportion, presides over Marlow's Court. Together with the other late C18 historic buildings in the Court, which were built to compliment each other, the simple but nevertheless arresting façade the Church contributes highly to the varied character of Etnam Street and to the Conservation Area. Later changes include a C19 addition with conical roof and an indifferent C20 extension at the rear
- 6.2 Internally, the church retains a balcony on cast iron columns but other fittings such as the less remarkable pulpit and the pinewood pews are of late C19 date; possibly contemporary with the conical roofed extension. The interest in the Baptist Church is threefold. Firstly it is important for the visual and architectural contribution that it offers to the Marlow's Court and to the street scene; secondly for its historical connection with the town, having been commissioned by Mary Marlow in 1771 and thirdly: for its plan form, features and fittings.
- 6.3 Informal negotiations at officer level have been on-going for several years and the current application takes on board many of the recommendations that have been raised. It is accepted that the current church no longer provides adequate accommodation for its growing congregation and that to keep it in its current location, it must change. PPG 15 advises that when considering applications for consent, changes in the worship needs of a congregation ..' *should be given due weight as material considerations..*' ( 8.12)
- 6.4 It is considered important for the future of the building that it retains its current use and a balance was sought between the need to keep the building functioning as a church with the need to retain its special interest and character. This is in accordance with Government guidance which advises that, '*The best use will very often be the use for which the building was originally designed*', and '*...new, and even continuing, uses will often necessitate some degree of adaptation*'. (PPG15, 3.10 and 3.8 ).
- 6.5 There is no concern in principle to the new extensions to the side and rear of the building. The design, massing and material content is such that the historic building remains visually dominant and distinctive. The new entrance to the side of the church successfully keeps the front façade unencumbered while at the same time, solves problems regarding disabled access.
- 6.6 The internal alterations are more invasive. However the most sensitive parts of the building have been recognised and it is felt that none of the changes contained within this application sufficiently affect the special character of the building to justify refusal. The areas of most potential concern are:
- 1) The opening of the rear wall of the church. Although the removal of major walls in a listed building is commonly resisted, it can be acceptable in some circumstances to mitigate the harm by ensuring that its former location and function made abundantly clear. The proposal shows thickened piers at either side of the new opening and revised drawing (A) introduces timber panelling to soffit and reveals. This will go some way to visually retain the plan-form. However, it is felt that the piers should be larger and that the height of the lintel should be limited so that the opening is clearly a later alteration. It is noted that the panelling in the Church is to be retained but not extended into the C19 part so that features of the two rooms remain distinct.

- 2) The removal of the pulpit. This is essentially a later addition but nevertheless an important fitting which illuminates the historical methods of worship. It is understood that the pulpit is obsolete in the functioning of the modern church and the proposal indicates that it will be relocated within the enlarged church. This accords with Government advice on the retention of fittings, '*...where there is no alternative to the removal....(of a fitting) it should be saved .....and not removed from the building..*' (PPG15 C.61)
  - 3) The removal of pews. These are also later additions and although interesting are not of outstanding quality. It is understood they are no longer needed by the congregation but although their removal is regrettable, the revised drawings confirm that the pews on the balcony will be retained. This, in accordance with Government guidance which advises that, '*When extensive re-ordering takes place, some examples of the replaced furnishings should be retained*'...(PPG15 p 8-11), is considered to be acceptable.
  - 4) The blocking of the front door. Revised drawing (A) shows that the inside of the doorway will be filled with a glass panel. This is felt to be an acceptably reversible solution which also allows the door and light from the fanlight above to be visible within the Church.
- 6.7 In order to accommodate the proposal the Poplar trees and Yew tree that are located within the graveyard at the rear of the chapel will need to be removed. While objection has been received to the loss of these trees, in particular the Poplar trees, the Landscape Officer acknowledges that they are visible from Etnam Street, and from Caswell Terrace, which is to the rear of the site, but does not consider that the Poplars are suitable species to be retained within close proximity to buildings. Poplar trees can be structurally unsound and are prone to sudden failure – the shedding of branches etc. They also have a high water intake and are associated with subsidence damage, particularly on clay soils. Furthermore, it is not possible to reduce them in height or to prune them without spoiling the form of the trees. There is also no objection to the removal of the Yew tree as it is not visible from outside the site.
- 6.8 This proposal seeks to find a balance between satisfying the needs of the modern Church by updating and enlarging its premises without adversely affecting the special qualities of the listed building. It is not considered that the alterations proposed in these applications will have a detrimental impact on the character of the Baptist Church and are not irredeemably invasive.

## RECOMMENDATION

### NC2004/2391/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 - F16 (Restriction of hours during construction ) (8.00am – 5.00pm)**

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

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

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

5 - G04 (Landscaping scheme (general) )

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

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

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

Informative:

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

NC2004/2392/L

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

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

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

2 - B01 (Samples of external materials )

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

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

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

Informative:

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCNC2004/2612/F - SINGLE STOREY EXTENSION TO PROVIDE RECEPTION CLASS. REMODEL INTERNAL CLASS 2 AND NURSERY AT ST. MICHAELS C OF E PRIMARY SCHOOL, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3JU**

**For: The Governors of St Michael's C of E Primary School per Property Services Herefordshire Council Franklin House 4 Commercial Road Hereford HR1 2BB**

**Date Received:**

**14th July 2004**

**Ward:**

**Hampton Court**

**Grid Ref:**

**53082, 51005**

**Expiry Date:**

**8th September 2004**

Local Member: Councillor K Grumbley

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

- 1.1 St Michael's School, a Victorian School building under a clay tiled roof, with modern single storey flat roofed extension, is located on the east side of the unclassified 94029, almost opposite a small car park, and on the north side of Peas Green, a Grade II Listed building. It is located in the Bodenham Lakes Conservation Area and within an Area of Great Landscape Value.
- 1.2 This application proposes a single storey extension with pitched roof to be constructed between the flat roofed addition and Peas Green. A water tower that is to the rear of the school building is to be demolished.

## **2. Policies**

### Leominster District Local Plan

A1 – Managing the District's Assets and Resources  
 A9 – Safeguarding the Rural Landscape  
 A18 – Listed Buildings and Their Settings  
 A21 – Development within Conservation Areas  
 A24 – Scale and Character of Development  
 A54 – Protection of Residential Amenity

### Hereford and Worcester County Structure Plan

CTC2 – Development in Areas of Great Landscape Value  
 CTC7 – Development and Features of Historic and Architectural Importance  
 CTC9 – Development Criteria

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

LA2 – Landscape Character and Areas Lease Resilient to Change  
 HBA4 – Setting of Listed Buildings

HBA6 – New Development within Conservation Areas

PPG1 – General Policy and Principles

PPG15 – Planning and the Historic Environment

### **3. Planning History**

93/172 – Extension to form library. Approved 23<sup>rd</sup> April 1993.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Environment Agency – no objection.

#### Internal Council Advice

4.2 Head of Engineering and Transportation – no objection.

### **5. Representations**

5.1 Bodenham Parish Council – no reply received at time of report.

5.2 Letter of objection received from Mr and Mrs I Gateley, Peas Green, Bodenham.

(a) The extension will bring the school within a metre of our boundary and will reduce privacy.

(b) It will be intrusive in the Conservation Area.

(c) Inadequate parking for parents.

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

### **6. Officers Appraisal**

6.1 This application is for an extension, to be used as a reception classroom, to the flat roofed single storey edition that is on the south side of this Victorian school building.

6.2 The extension has been designed so that the height of the pitched roof will be lower than the height of the main school building.

6.3 The proposed classroom will be within a metre of the boundary hedge with Peas Green, with windows proposed in this elevation. While, the existing hedgerow provides some protection of residential amenity to the neighbour it would not be unreasonable to require the hedgerow to be reinforced with additional planting to provide additional protection.

6.4 The extension is of a design that would not detract from this part of the Conservation Area or cause harm to the acknowledged visual qualities of the area or to the setting of the adjoining Listed building.

**RECOMMENDATION**

That planning permission be 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 - **G12 (Planting of hedgerows which comply with Hedgerow Regulations )**

**Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.**

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**DCNC2004/2722/F - ROLLER SHUTTER TO FRONT OF  
SHOP. CHANGE OF DESIGN AND FITTING  
(RETROSPECTIVE) AT 7 HIGH STREET, LEOMINSTER,  
HEREFORDSHIRE, HR6 8LZ**

**For: Mr G R Luck at the same address**

**Date Received:**  
23rd July 2004

**Ward:**  
Leominster South

**Grid Ref:**  
49647, 59090

**Expiry Date:**  
17th September 2004

Local Member: Councillors R Burke and J P Thomas

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

- 1.1 N E Luck Jewellery is located on the east side of High Street, between Get Connected, a mobile phone shop, and the Staffordshire Building Society. It is located in the primary shopping frontage and within a commercial area, as shown in the Leominster District Local Plan, and within the Leominster Conservation Area.
- 1.2 This is a retrospective application for a roller shutter door that has been fixed to the outside of the shop.

### **2. Policies**

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

A1 – Managing the District's Assets and Resources  
A18 – Listed Buildings and their Settings  
A21 – Development within Conservation Areas  
A32 – Development within Town Centre Shopping and Commercial Areas

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

CTC7 – Development and features of historic and architectural importance  
CTC9 – Development criteria

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

HBA6 – New development within Conservation Areas

- 2.4 PPG1 – General Policy and Principles  
PPG6 – Town Centres and Retail Development  
PPG15 – Planning and the Historic Environment

### **3. Planning History**

NC2004/1349/F - Fitting of roller shutter to external shop front. Refused 7.6.04.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None

##### Internal Council Advice

4.2 Chief Conservation Officer: "Application DCNC2004/1349/F for roller shutters to this building was refused on the grounds that the design and prominent siting will appear as an alien and intrusive feature and will fail to preserve or enhance the character of the Conservation Area.

This application shows an even more inappropriate design of shutter than that refused above. This shutter does not allow the shop windows to be seen behind it. It is still alien and intrusive in the Conservation Area and will be detrimental to the character of the Conservation Area at night. It should be possible to place security screens inside the window."

4.3 Head of Engineering and Transport: No objection.

#### 5. Representations

5.1 Leominster Town Council: Recommend approval.

5.2 Letter of objection received from Leominster Civic Trust, Westbury House, Ryelands Road, Leominster, as follows:

- a) The type of shutter installed is typical of those often seen in run down inner city locations, usually covered with graffiti.
- b) The shutter is entirely inappropriate in the main shopping street in Leominster's Conservation Area.
- c) When it is open the rather crude metal guides disfigure the shop front.
- d) When it is closed it is visually very intrusive and detracts from the appearance of the street in its many listed buildings.
- e) The shutter will be closed in the evenings and on Sundays when many visitors are in the town.

5.3 The applicant has said:

- a) The shutter box is now totally hidden behind the fascia and a revised type of shutter has been installed.
- b) We have not received any complaints, in fact most people think that they are a good idea and a necessity in our type of business.
- c) It does not detract from the area in any way.
- d) We have the support of other shop keepers in the town and also the crime prevention officer in Hereford.
- e) We would like to point out that many shops in the town have had broken windows.
- f) We note that all jewellers in Hereford High Town have shutters including the recently installed shutters at Hereford Gold, all these must be in a Conservation Area.

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 application premises is a relatively small shop unit, located in a prominent position in the heart of Leominster’s main shopping area. It is also within the Leominster Conservation Area.

6.2 The shop front is modern with a large fascia above.

6.3 In exercising its development control function within Conservation Areas the Council, as Local Planning Authority, must give special attention to the desirability of preserving or enhancing the character or appearance of the area. This application does not meet this objective in that the roller shutters introduce an unacceptable physical, as well as a visual barrier, and harsh blank façade in a sensitive location.

**RECOMMENDATION**

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

- 1 The roller shutter, by reason of its design and prominent siting, will fail to preserve or enhance the character or appearance of the Leominster Conservation Aea. As such, the proposal is contrary to Policies A21 and A24 of the Leominster District Local Plan (Herefordshire).**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCNC2004/2838/F - STORAGE BUILDING AT MIDDLE  
HOUSE FARM, HILLHAMPTON, BURLEY GATE,  
HEREFORD, HEREFORDSHIRE, HR1 3QP**

**For: Mr N Pannier per Mr I Savagar 35 Caswell  
Crescent Leominster Herefordshire HR6 8BE**

**Date Received:**  
2nd August 2004

**Ward:**  
Bromyard

**Grid Ref:**  
58966, 47294

**Expiry Date:**  
27th September 2004

Local Members: Councillor P Dauncey & Councillor B Hunt

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

- 1.1 Middle House Farm lies to the north-west of the Burley Gate roundabout at the crossing of the A417 and A465. The site, lying on lower ground than the roundabout, is clearly visible when approaching from both Leominster and Hereford directions. The site is accessed via an existing track from the A417, which also serves an adjoining farm and a number of residential properties.
- 1.2 The proposed building, which is almost complete, adjoins an existing potato storage building and measures approximately 24.3 m x 28.3 m and 9.7 m to ridge height. The building has been constructed to match that adjoining.

### **2. Policies**

Malvern Hills District Local Plan

Landscape Policy 1 – Development Outside Settlement Boundaries

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy E13 – Agricultural and Forestry Development

### **3. Planning History**

NC2004/1390/S – Prior Approval Required for this particular building (since works subsequently started the building could not benefit from permitted development rights hence the need to make the correct application).

N98/0240/S – Prior Notification for the completed potato store, constructed under permitted development rights.

### **4. Consultation Summary**

Statutory Consultations

- 4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection.

4.3 The Chief Conservation Officer has no objection.

## 5. Representations

5.1 Ocle Pychard Parish Council takes the view that as that the barn is already under construction any comment by the Parish Council would appear to be irrelevant.

5.2 In support of the application the applicant's agent advises that the building is to be used solely for the storage of potatoes produced by his client and that access to the building would be the same as that for the existing building, with traffic confined to that necessary to transport potatoes to the building during the lifting season in the autumn by tractor and trailer and subsequent removal for sale by lorry during the winter. The building has capacity for approximately 700 tons of potatoes, this will require a least 70 tractor journeys over a 6 to 8 week period and 30 lorry journeys over a 6 to 10 week period.

5.3 Any further representations received in response to statutory advertisement procedure which expires on 30<sup>th</sup> September 2004 will be reported verbally.

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 Had work not commenced prior to the determination of the Prior Approval application, assuming that Prior Approval would have been granted, the building could have been erected under permitted development rights. However, in this instance permission is now required. The building, which is virtually complete, has been erected adjacent to the existing potato store. Given the ownership of the land available the location is that which has least impact on the Listed Buildings nearby. The building is fairly prominent in the landscape but since it sits adjacent to an existing building and appears when looking from the A465 as part of the wider group of buildings is not considered reasonable to refuse the application on landscape impact grounds.

6.2 In order to provide a measure of protection to the amenity of residents living adjacent to the access track, it is considered reasonable to limit lorry movements when collecting the potatoes. This will not hinder the harvesting/grading process.

## RECOMMENDATION

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

- 1 - Within one month of the date of this permission there shall have been submitted to and approved in writing by the Local Planning Authority a Scheme of Landscaping. All planting comprised in the approved details shall be carried out during the current planting season. Any trees or plants which will in a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives**

written consent to any variations. Any plants that fail more than once they shall continue to be replaced on an annual basis till the end of the five year defect period.

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

- 2 - There shall be no collection by lorry of the potatoes from the building outside of the hours 8.00am to 6.00pm Monday to Fridays and 8.00am to 1.00pm on Saturdays. There shall be so such collection on Sundays, Bank or Public Holidays.

Reason: In the interest of amenity.

Informative:

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





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

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

**Date Received:**

**16th April 2004**

**Expiry Date:**

**11th June 2004**

Local Member: Councillor Mrs L O Barnett

**Ward:**

**Mortimer**

**Grid Ref:**

**41130, 69009**

### **Introduction**

Members will recall this application was originally presented to the Northern Area Planning Sub-Committee on the 14<sup>th</sup> July 2004. At this Committee the application was deferred for a Committee Site Inspection, which was carried out on the 26<sup>th</sup> July 2004. This application was returned to the Committee for determination on the 11<sup>th</sup> August 2004 where it was determined that the application should be deferred for further revisions to address concerns associated with the proposal. This application is now returned to Committee further to revisions being secured.

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

- 1.1 This application originally sought planning permission for the erection of a Border Oak, 4-bedroom property with a rear conservatory and a detached garage. The recent revisions, discussed in more detail in the main body of this report, have resulted in a revised proposal for a detached dwelling with an attached garage and no conservatory.
- 1.2 The site comprises part of the gardens of Barberrry Cottage, a Grade II Listed timber-framed property, and Lyndum, a modern, 1970's property. The site is located within the settlement boundary and Conservation Area of Wigmore.
- 1.3 This application is a revised re-submission for an enlarged dwelling with attached single garage, in place of an existing consent for a 3-bedroom dwelling with a car port. This revised proposal, which takes into account detail alterations requested from the previous withdrawn re-submission (DCNW2003/3757/F), together with revisions sought further to the last deferral from Committee, seeks an enlarged dwelling, providing an extra bedroom. The proposed dwelling now has no wing to the east, with a utility and single garage to the west and the principle two storey element of the dwelling moved to the east.

## **2. Policies**

### **2.1 National**

PPG1 – General Policy and Principles

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

A1 – Managing the District's Assets and Resources

A2(C) – Settlement Hierarchy

A9 – Safeguarding the Rural Landscape

A10 – Trees and Woodlands

A18 – Listed Buildings

A21 – Development within conservation Areas

A24 – Scale and Character of Development

A54 – Protection of Residential Amenity

A70 – Accommodating Traffic from Development

### **2.3 Herefordshire Unitary Development Plan**

DR1 – Design

DR2 – Land Use and Activity

DR4 – Environment

H4 – Main Villages – Settlement Boundaries

H13 – Sustainable Residential Design

T11 - Loss of Existing Offices

LA2 – Landscape Character and Areas least Resilient to Change

LA5 – Protection of Trees, Woodlands and hedgerows

HBA4 – Setting of Listed Buildings

HBA6 - New Development within Conservation Areas

## **3. Planning History**

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

Withdrawn

DCNW2003/0059/F - Erection of detached single dwelling

Approved 3rd March, 2003.

## **4. Consultation Summary**

### Statutory Consultations

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

4.2 Severn Trent – No objection subject to a condition relating to drainage

### Internal Council Advice

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

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

## **5. Representations**

5.1 Parish Council: No objections

5.2 Representations have been received through the assessment of this application from the following sources:-

Mr & Mrs Davies, Barberrry Cottage, Wigmore  
Mr & Mrs Workman, Lyndum, Wigmore

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

1. The proposal is for a significantly larger dwelling than that previously proposed;
2. Revised position will have a serious impact upon Barberrry Cottage, due to gradient of the site;
3. Revised proposal has a greater overbearing impact than approved scheme;
4. Privacy implications (referring to pre-revised scheme);
5. Impact of garage and access (referring to pre-revised scheme);
6. Excessive development for the site, which would be uncharacteristic in this locality;
7. Inappropriate design;
8. Standard "catalogue" design, not bespoke for location;
9. Unacceptable impact upon Barberrry Cottage, a Listed property;
10. Dwelling could be set lower in the site;
11. Concern over vehicles passing through garage into rear garden area (revised scheme);
12. Deleted conservatory could be re-introduced at a later date (revised scheme);
13. Reduced slab level is inadequate (revised scheme).

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

## **6. Officers Appraisal**

6.1 The key areas for consideration are:

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

### **6.2 Principle of Development**

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

### 6.3 Design and Scale

6.3 This revised application takes into account the detail amendments relating to materials, together with the concerns raised at the previous Northern Area Sub-Committee in relation to the garaging, conservatory, and slab level issues. In relation to the approved scheme, the design concept remains similar. This current scheme now proposes dormer windows in place of the full, two-storey appearance and gables are introduced to the rear. In addition, the balance is changed by virtue of the removal of a single-storey addition to the east. By virtue of the removal of the detached garaging and rear conservatory, this application now more closely resembles the original approved scheme, the only significant differences being the extended western projection, removed eastern projection, and relocation of the main dwelling element closer to the boundary with Barberrry Cottage than the approved scheme. Notwithstanding these alterations, the design continues to utilise high quality materials as in the approved development and revisions from the previous re-submission have enhanced this proposal. The dwelling would be set back from the roadside boundary by approximately 11 metres. It is considered that the design is appropriate for this site and will not appear uncharacteristic in an area characterised by design and architectural period variety. The site is undoubtedly sufficient to accommodate this dwelling. The design and scale are therefore considered acceptable.

### 6.4 Residential and Visual Amenity

- 6.4.1 It is recognised that the proposed development is now closer to the boundary with Barberrry Cottage than the original approved scheme and, in addition, it is now a two-storey gable on the boundary, as opposed to the approved single-storey 'wing'. Notwithstanding this, the dwelling remains, at its closest point, 10 metres away from Barberrry Cottage, with the front elevation of the proposal two metres back from the rear elevation of Barberrry Cottage. It is considered that this distance is sufficient to ensure that Barberrry Cottage itself will not suffer from an overbearing impact beyond acceptable limits. The applicant has however, as a result of these concerns, agreed to lower the slab level by 150mm. No openings are proposed in the side elevations of the main dwelling. The conservatory element of this proposal has now been removed and as such it is considered that no unacceptable privacy impact will result from this development.
- 6.4.2 The detached garage has now been removed from this scheme. It is considered that the proposed attached garage is appropriate to this site and locality and will not have undesirable residential or visual amenity implications.
- 6.4.3 The local vernacular is somewhat varied, but the broad historical character is recognised. Although this is a substantial property, the set back position will continue to ensure that the property has limited visual impact in its own right and will not dominate the adjacent properties in views from the east and west along Castle Street. It is considered that the proposed dwelling will not appear incongruous within the street scene and it is suggested that the visual amenities of the locality will not be harmed by this development.
- 6.4.4 The impact upon residential and visual amenities is considered acceptable.

## 6.5 Transportation

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

## 6.6 Conservation Area and Listed Building Issues

- 6.6.1 The site is visible from the unclassified road to the south but, in this vantage point, the modern 1970's infill opposite and above the application site dominates the view. The proposal will not therefore have an adverse impact in this context. It is considered that the proposal will preserve the character and appearance of the Wigmore Conservation Area. The Listed status of Barberry Cottage is noted but it is not considered that the setting of this Listed building will be harmed by virtue of this proposed development.

## 6.7 Site Levels

- 6.7.1 The application site is on a relatively steep gradient and this is of relevance to the potential impact of this development the proposed development is set into the site to a degree, but it is accepted that elements of the scheme will be raised from the site level. A further setting down of the dwelling into the site could reduce this difference. Clearly, however, this would have implications upon the relationship of the dwelling to the road and a balance needs to be struck. The result of the difference in levels presents, as noted above, no unacceptable issues of overbearing impact or loss of privacy by virtue of the relationship and distances involved and restrictive conditions to be imposed. Notwithstanding this, the site level has been lowered by 150 mm by the applicant in an attempt to allay the fears of the neighbouring residents. Further comprehensive level details will be requested to ensure the detailing of this scheme.

## 6.8 Other Issues

- 6.8.1 This application was deferred from the August meeting, due to concerns relating to the slab level, the conservatory, and the detached garaging. The objections received in relation to this scheme were especially concerned in relation to privacy, vehicular movement on site, design, and overbearing impact.
- 6.8.2 It is the Officers opinion that negotiations over this application have achieved all that they will achieve. The applicant has made significant moves to address the concerns raised and has agreed to restrictive conditions removing Permitted Development Rights and restricting new openings. It is further suggested that this revised scheme now relates closely to the approved scheme to an extent that the only difference considered valid for consideration is the overbearing impact. This, as noted above, is considered acceptable.

### **Recommendation:**

**That the application be approved subject to the following conditions:**

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

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

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

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

**3 - C05 (Details of external joinery finishes )**

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

**4 - E18 (No new openings in specified elevation ) (any elevations)**

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

**5. - D01 (Site investigation – archaeology)**

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

**6. - F48 (Details of slab levels )**

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

**7 - G09 (Retention of trees/hedgerows )**

**Reason: To safeguard the amenity of the area.**

**8 - G04 (Landscaping scheme (general) )**

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

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

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

**10 - G06 (Scope of landscaping scheme )**

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

**11 - H04 (Visibility over frontage ) (2m)**

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

**12 - H05 (Access gates ) (5m)**

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

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

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

14 - H09 (Driveway gradient )

Reason: In the interests of highway safety.

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

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

16 - H27 (Parking for site operatives)

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

17 -F18 (Scheme of foul drainage disposal)

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

18 -E16 (Removal of Permitted Development Rights)

Reason: In order to protect the residential amenity of adjacent propoerties and to preserve the visual amenities of the locality

Informatives:

1. N03 - Adjoining property rights
2. HN01 - Mud on highway
3. HN04 - Private apparatus within highway
4. HN05 - Works within the highway
5. Attention is drawn to the fact that trees on this site are covered by a Tree Preservation Order. It is an offence to contravene the provisions of a Tree Preservation Order, by pruning or felling without consent from the Local Planning Authority. It is stressed that this consent does not allow any works to any such protected tree.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCNW2004/1730/F - CONSTRUCTION OF  
AGRICULTURAL IMPLEMENT AND STORAGE SHED  
AT LAND SOUTH OF CORONATION ROAD  
(SO3056NW), KINGTON, HEREFORDSHIRE**

**For: Mr A Duckett per Mr R.B. Pipe, Pipedream,  
Bridgend Lane, Bucknell, Shropshire SY7 0AL**

**Date Received:**

**11th May 2004**

**Ward:**

**Kington Town**

**Grid Ref:**

**30056, 56614**

**Expiry Date:**

**6th July 2004**

Local Member: Councillor T M James

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

- 1.1 This application seeks consent for the erection of an agricultural implement and storage shed on land south of Coronation Road, Kington. The land associated with this building is 0.78 hectares and it falls within the settlement boundary of Kington. The bulk of the land is, in both the adopted and emerging Development Plans, designated as open space to be protected from development. The north west corner of the land does, however, fall within the designated residential area of Kington. The south of the land also falls within the designated flood plain. The land is currently utilised as grazing land.
- 1.2 This application is a resubmission of a previous application (DCNW2004/0526/F) for the same development. This application was withdrawn after concern was raised over the need for this building and the intended use of the associated land.
- 1.3 This application seeks Planning permission for the erection of a new agricultural building to the north of the site, to the rear of numbers 2 and 3 Coronation Road. The proposal involves the erection of a modest agricultural building with a width of 9 metres, a depth of 8 metres, and a maximum height of 4.3 metres. The proposed usage of this building is the storage of a tractor, mower and toppler, used to maintain the field, together with storage of hay taken from the field and used in support of the grazing of sheep on the associated land.

## **2. Policies**

### **2.1 Hereford and Worcester Country Structure Plan**

A3 – Construction of Agricultural Buildings

### **2.2 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources

A9 – Safeguarding the Rural Landscape

A15 – Development and Watercourses

K6 – Proposed Open Space - Kington

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

DR1 - Design

DR7 – Flood Risk

E13 – Agricultural and Forestry Development

HBA9 – Protection of Open Areas and Green Spaces

H1 – Hereford and the Market Towns: settlement boundaries and established residential areas

### 3. Planning History

NW2004/0526/F Construction of agricultural implement and storage shed  
Withdrawn

NW1999/3126/O Single dwelling and access  
Refused

### 4. Consultation Summary

#### Statutory Consultations

4.1 Environment Agency - raised no objections subject to condition

#### Internal Council Advice

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

4.3 Environmental Health - Raised no objection to the proposed development subject to condition

### 5. Representations

5.1 Neighbours - No letters of representation have been received

5.2 Kington Town Council commented as follows on the proposed development:

*“The members of the Town Council have now had an opportunity to reconsider this application and would respond in a similar fashion to the previous application. This land is not used for agricultural purposes and the Council Members question the need for an agricultural and implement shed on this land. The land has upon it some old equipment which appears to be dumped, vehicles and children's play things, swings, slides etc. The members of the Town Council have no wish to see this open agricultural land turned into a builders yard/reclamation site/parking area.”*

### 6. Officers Appraisal

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

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

6. Design and scale
7. Land Use

#### 1. Principle of Development

- 6.2 Policy A3 of the Hereford and Worcester Country Structure Plan states that applications for the construction of agricultural buildings will be treated sympathetically, but also states the importance of siting and design.
- 6.3 The proposal for the erection of an agricultural building is therefore accepted in principle, subject to consideration of issues such as siting and design and impact upon the landscape.
- 6.4 In this instance, additional consideration need to be given to the designation of the bulk of this land as protected open space.

#### 2. Agricultural Need

- 6.5 Additional information was requested regarding the agricultural need for this building. This issue was a reason for the refusal of the previous application. The site visit identified that domestic elements had been introduced onto this land. The submitted details do, however, clarify the demand for on site storage and it is suggested that the operational requirements of this land justify the agricultural need for the proposed modest building. It is additionally of note that an existing building, albeit in a dilapidated condition, is found on the site, in a similar position that the building now proposed. The agricultural need for this building is therefore accepted.

#### 3. Siting

- 6.6 The proposed building is intended to be located to the rear of numbers 2 and 3 Coronation Road in a broadly similar location to the existing building. In the previous application (NW2004/0526/F) no serious concern existed over the siting, however, it was considered that a location away from the rear of the residential properties may be desirable. A request for this was made and accepted, however, further to this revision both number 2 and 3 wrote to advise a preference for the original location. On the basis of this, the current siting, which is in accordance with the original proposed siting, is considered acceptable.

#### 4. Landscape and Open Space

- 6.7 The proposed building is modest in scale, to reflect the nature of the demand associated with it. Its location on the field periphery minimises its impact upon the landscape and open nature of the land. A further consideration is the existing smaller building on site. It is considered that the siting of this building is acceptable in relation to its impact upon the landscape and the designation of this area as open space.

#### 5. Transportation

- 6.8 No concerns exist in relation to the transportation implications of this proposal.

6. Design and Scale

- 6.9 The design and scale of this building reflect the required space required and the intended usage of the structure. It is considered that both the design and scale are acceptable.

7. Land Use

- 6.10 The use of this land for non-agricultural purposes has been commented upon briefly above. No rights on this land for its utilisation for purposes other than agricultural. This situation has been confirmed to the applicant who has acknowledged this fact and agreed to remove the non-agricultural features currently found on site. An informative to highlight this situation is proposed and the Enforcement Team will, of course, act in the event of the continuation of any unauthorised activity.

**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 - F31 (Restriction on use to house/rear livestock )**

**Reason: To safeguard residential amenity.**

- 4 - Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunding compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate, secondary containment. The drainage system of the bund shall be sealed, with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.**

**Reason: To prevent the pollution of the water environment.**

**Informatives:****1 - N03 - Adjoining property rights**

- 2 - The applicant's attention is drawn to the comments of the Environment Agency (enclosed) in relation to this development.**

**3 - The applicant is advised that the application site has no authorised use, other than agricultural or forestry related activities. The utilisation of this land for domestic or other, non-agricultural/forestry purposes is unauthorised and such uses will be enforced against in the event of their commencement.**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**DCNW2004/1921/F - PROPOSED EXTENSION AND ALTERATIONS AT YATTON MARSH FARM, YATTON, LEOMINSTER, HEREFORDSHIRE, HR6 9TP**

**For: Mr P J Lukeman per Mr P M Enticknap Sunrise Cottage Green Lane Pembridge Hereford HR6 9EL**

**Date Received:**

**25th May 2004**

**Expiry Date:**

**20th July 2004**

Local Member: Councillor Mrs L.O. Barnett

**Ward:**

**Mortimer**

**Grid Ref:**

**43473, 66903**

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

- 1.1 This application seeks consent for the erection of two, two-storey extensions to Yatton Marsh Farm, Yatton. The existing property is a relatively modest detached dwelling located in the open countryside, outside any area of specific restrictive development plan policy. The dwelling has a historic core, evident internally. Substantial alterations have since taken place. A number of outbuildings surround the main dwelling house.
- 1.2 The existing property has a core footprint that is square in shape. This central element includes a kitchen, WC, and dining room at ground floor, with two bedrooms and a landing/bedroom at first floor level. Beyond this is there is a single storey extension at ground floor level to the south, and a modest lean-to addition west, wrapping in part around to the north. The proposal involves a two storey extension to the east, inclusive a north facing gable, and a two storey extension to the south with a footprint slightly larger to that of the existing single storey addition.
- 1.3 This proposal represents the culmination of an extended period of negotiations and revision.

### **2. Policies**

#### **2.1 Leominster District Local Plan**

Policy A2(D) - Development in the open countryside

Policy A9 - Safeguarding the Rural Landscape

Policy A24 - Scale and Character of Development

Policy A54 - Protection of Visual Amenity

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

Policy DR1 - Design

Policy H18 - Alterations and extensions

### **3. Planning History**

None identified

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Head of Engineering and Transportation advises no observations

#### 5. Representations

5.1 Parish Council commented on the revised plans as follows:

*"At a meeting of the Parish Council this week the above referenced plans were reviewed.*

*The council continue to have serious reservations about the acceptability of the proposed development on the following grounds:*

- 1. the extension is too large in relation to the existing building*
- 2. the proposals will substantially change the character of the building*
- 3. the proposed extensions and modification to the exterior appearance would make the house stand out in the countryside.*

*Aymestrey Parish Council requests that the planning department hold a site meeting so that the impact of the proposed works can be better appreciated before a decision is made."*

5.2 Neighbours - No responses received

5.3 In response to the parish comments the applicant has written and commented as follows:

1. The design has been revised to reflect the advice of the Planning Officers
2. The existing dwelling has no architectural merit to protect
3. Design intends to create an more desirable property appearance

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 adopted Leominster District Local Plan and the emerging Herefordshire Unitary Development Plan accept the principle of residential extensions, subject to the details of the proposal. In this instance, in consideration of the remote location of the site, it is suggested that design, scale, and impact upon the landscape are the principle issues for consideration.

6.2 The design now proposed is similar to that originally proposed. A number of design solutions have been explored with this property, with the main concerns being design and scale related. Planning policy dictates that the scale and character of existing properties should be protected. In this instance the proposed extensions clearly



create a new and substantially larger dwelling of an entirely new character. However, when one considers the protection of a dwelling, it is important to ascertain the value of the current built form, the features to be preserved, the character to be reflected and the design concept to be pursued, so as to preserve the character of the existing property and ensure the retention of the original dwelling as the dominant element of the resultant property. Here, it is evident that the existing property has been poorly altered and extended. The dwelling has no apparent front or back or sides. It has no features of value to be preserved or reflected. The design is not a good or even a bad example of any particular period or architectural style. The dwelling cannot be easily extended to allow for enlarged accommodation. The stance to be taken in these circumstances is, it is suggested, somewhat different. It is considered that in instances such as this the most important thing do is satisfy the following question:

*'Is the design and scale acceptable for the site and locality?'*

6.3 The locality is rural in character with neighbouring properties varying significantly in design, scale and age. The proposed enlarged dwelling would not be inappropriately large in this context and, within its site, will not appear excessive in size. The design of the proposed dwelling is not unattractive and creates a property with features, aspects, and character. It is suggested that it would not appear uncharacteristic in the locality and would not prove harmful to the landscape in which it is set.

6.4 There are no issues of residential amenity associated with this proposal, and no highway related concerns.

On balance, although the large size and new design concept are noted, it is considered that this proposal is acceptable. The existing dwelling is a material consideration to the extent that its protection through planning policy is not appropriate. The proposal dwelling does not harm any matters of acknowledged importance.

6.5 In response to the Parish Council's final sentence, all sites are visited prior to determination.

## **RECOMMENDATION**

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

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

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

**2 - A07 (Development in accordance with approved plans )**

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

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

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

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**DCNW2004/2364/F - DEMOLITION OF TWO DETACHED BUILDINGS AND THE ERECTION OF A BUILDING FOR GENERAL INDUSTRIAL USE (B2/B8) AT HERGEST CAMP, KINGTON, HEREFORDSHIRE, HR5 3ER**

**For: Mr & Mrs D Williams per S Johnson, The Land Use Consultancy, Vine House, Kingsland, Herefordshire HR6 9QS**

**Date Received:**

**28th June 2004**

**Ward:**

**Kington Town**

**Grid Ref:**

**27822, 54658**

**Expiry Date:**

**23rd August 2004**

Local Member: Councillor T M James

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

- 1.1 The application site comprises approximately 0.2 hectares of land, located at the Hergest Camp Industrial Estate. It is characterised by the semi-derelect remains of two precast concrete buildings, positioned either side of the service road serving the site and the existing industrial buildings to the immediate west and east.
- 1.2 The industrial estate is located within an Area of Great Landscape Value, some 2km to the south-west of Kington and is accessed via the C1072. The Camp site runs to approximately 7 hectares of land on the south-eastern side of the C1072 and is broadly characterised by former military hospital buildings, which are in varying states of disrepair. A number have been adapted and refurbished and are occupied by a range of small scale commercial uses.
- 1.3 Planning permission is sought for the demolition of the 2 derelict buildings and their replacement with a single, industrial unit with a floor area of some 840 square metres. The building would have an eaves height of 5.5 metres and an overall ridge height of 8 metres. In addition to the building itself, additional parking and turning space is proposed, along with landscaping details. A mixed B2/B8 use is sought, with the intention that the building may be occupied as one unit or split into smaller units as required (maximum number of 6 units).
- 1.4 The application is accompanied by traffic generation information and commentary on the commercial justification for a taller building on the site.

## **2. Policies**

### **Government Guidance**

- 2.1 PPS7 - Sustainable Development in Rural Areas

## 2.2 Hereford & Worcester County Structure Plan

Policy E6 - Industrial Development in Rural Areas  
Policy CTC2 - Areas of Great Landscape Value  
Policy CTC9 - Development Requirements

## 2.3 Leominster & District Local Plan (Herefordshire)

Policy A1 - Managing the District's Assets and Resources  
Policy A2(D) - Settlement Hierarchy  
Policy A9 - Safeguarding the Rural Landscape  
Policy A16 - Foul Drainage  
Policy A28 - Development Control Criteria for Employment Sites  
Policy A31 - Employment Generating Uses Within or Around the Market Towns  
Policy A35 - Small Scale New Development for Rural Businesses Within or Around Settlements  
Policy A36 - New Employment Generating Uses for Rural Buildings  
Policy A70 - Accommodating Traffic from Development  
Policy HE1 - Business Uses at Hergest Camp

## 3. Planning History

None relating specifically to the site, although the following applications have been determined on land adjacent:

N98/0075/N - Alterations to Site access, Repairs and Cladding of Units 1-3, 7-12.  
Approved

84/0201 - Change of Use to Light Industrial Fabrication of Steel Buildings. Approved

## 4. Consultation Summary

### Statutory Consultations

4.1 There are no statutory consultations

### Internal Council Advice:

4.2 Head of Engineering and Transportation: No objection raised to the revised parking layout or to the HGV trip generation associated with a mix of B2 and B8 uses within the proposed building.

4.3 Landscape Officer No objection in principle, subject to further detailed information in respect of the landscaping scheme.

## 5. Representations

5.1 Kington Rural and Lower Harpton Group Parish Council have no objection, with the proviso that the height of the proposed building does not exceed that of its neighbours. The cladding of the building should have a more harmonious colour scheme than the existing building if possible.

5.2 There are no private representations

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

## 6. Officers Appraisal

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

- a) The principle of redeveloping the existing buildings;
- b) The impact of the proposed development upon the Character and Appearance of the Area of Great Landscape Value;
- c) Access and highway related matters and;
- d) Drainage

### a) The Principle of Redevelopment:

6.2 Policy A2(D) of the Leominster District Local Plan (Herefordshire) establishes a strong principle against new development in the open countryside but, in this instance, the site, although in an isolated, rural location, forms part of an allocated industrial site, which is the subject of a specific policy – Policy HE1 of the Local Plan.

6.3 Policy HE1 permits opportunities for accommodating employment-generating uses, where they are compatible with the capacity of the highway network and result in proposals that improve the visual appearance of the site within its wider setting. The policy promotes additional landscaping and allows for the replacement of individual buildings where they do not occupy a significantly larger area of the site or exceed the height of the existing buildings.

6.4 In this case, two buildings, with a combined floor area of 475 square metres would be demolished and replaced with a single unit of 840 square metres. The comparative height of the proposed building in relation to its neighbours has been raised as a concern by the Parish Council. In this case, the building with a maximum height of 8 metres would exceed the height of the tallest existing building by approximately 1 metre.

6.5 It is advised that a strict interpretation of Policy HE1 could lead to the refusal of planning permission but, in this particular case, the applicant has provided evidence that, to provide buildings of the same height as existing would not be economically viable, since this would not result in a lettable unit size, having regard to the modern operational requirements of commercial uses. It is suggested that the existing level of vacancy in adjacent units is, in part, attributable to their modest size.

6.6 The recent appeal relating to the Old Piggery site also indicates that many of the existing buildings at the Camp are too low and narrow in design for industrial purposes, making them inappropriate for use by modern mechanised handling equipment.

6.7 Having regard to this particular application, it is considered that the scale of the proposal is modest in comparison to the major implications of the Old Piggery proposal and, as such, in order to provide an more appropriate sized unit and offer some support to the applicant in terms of his difficulties in letting premises in the area, the principle of the development proposed can be supported, despite the restrictions imposed by Policy HE1. Further commentary, based upon the wider landscape impact and traffic generation proposals, is set out below and should be

read in conjunction with the above paragraphs, in order to properly weigh up the merits of this particular proposal.

b) Landscape Impact

- 6.8 The relatively modest scale of this proposal and the fairly inconspicuous position of the proposed building in relation to neighbouring units are such that there would only be a very limited impact upon the landscape quality of the Area of Great Landscape Value. It is suggested that this proposal cannot realistically be compared to the massive scale of the Old Piggery proposals and, in its own right, would not have such a detrimental impact on the character of the area that the refusal of planning permission would be warranted. Conditional control would be exercised over the cladding of the building and additional landscaping proposals have been agreed in principle by the Chief Conservation Officer. A detailed landscaping scheme would need to be submitted and this would be required by condition.
- 6.9 The limited impact on the Area of Great Landscape Value is such that the increased footprint and the height of the building are not considered of critical importance in this case.

c) Access and Highway Issues

- 6.10 The existing access provides adequate visibility onto the C1072 and amendments to the site layout have resolved concerns raised in respect of the parking and turning of employees' cars and larger HGV's.
- 6.11 In terms of traffic generation, it is estimated that a mixed B2/B8 use of the building, as proposed, would result in approximately 8HGV lorry movements during peak hours (0800 – 0900 hours and 1630 – 1730 hours), which has been confirmed by the Head of Engineering and Transportation as being within the acceptable limits of the capacity of the C1072.
- 6.12 In assessing this proposal against the requirements of Policy HE.1 of the Local Plan, it is maintained that there will not be significant traffic generation as a result of the proposed development, such that a highway safety reason for refusal could be substantiated.
- 6.13 Although not conclusive, since the long term use of the units cannot be controlled, the prospective occupiers (Lloyds Transport, who are looking for premises to store equipment and clean and maintain lorries, and S.W. Maddy, who require a workshop for the servicing and repair of cars) would, respectively, generate approximately 4.5 weekly lorry movements and 8/10 daily movements by cars and smaller commercial vans. The expressed interest by these local businesses indicates that the building, as proposed, is unlikely to appeal to a more intensive commercial user.

d) Drainage

- 6.14 The initial concerns raised by The Marches Housing Association, who own and maintain the sewage treatment plant serving Arrow View and the existing industrial units, has now been resolved, with the applicant agreeing to install his own private plant. This would be a conditional requirement of any permission and would be agreed in consultation with the Council's Drainage Engineer and the Environment Agency.

**RECOMMENDATION**

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

1. **A01 (Time limit for commencement (full permission) )**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
2. **A07 (Development in accordance with approved plans )**  
**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**
3. **B11 (Details of external finishes and cladding (industrial buildings) )**  
**Reason: To secure properly planned development.**
4. **No machinery shall be operated, no process carried out and no deliveries taken at or despatched from the site outside the following times:-**  
**0700 - 1900 Mondays - Saturdays, nor at any time on Sundays, Bank or Public Holidays.**  
**Reason: In order to protect the amenity of occupiers of nearby properties and in line with previous permissions granted in the vicinity of the application site.**
5. **E16 (Removal of permitted development rights ) (Part 8)**  
**Reason: To ensure appropriate controls over further extensions or alterations to the building, in the interests of safeguarding the character and amenities of the locality.**
6. **F01 (Scheme of noise attenuating measures )**  
**Reason: To safeguard the amenity of the area.**
7. **F18 (Scheme of foul drainage disposal )**  
**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
8. **F04 There shall be no open air operation of plant, machinery or equipment within the application site.**  
**Reason: To protect the amenities of nearby properties.**
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.

**Informatives:**

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**DCNW2004/2613/F - CONSTRUCTION OF TWO DWELLINGS AND DETACHED GARAGE AT FORMER CAR PARK OF MONUMENT INN, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9RX**

**For: Mr & Mrs N Gore per Mr P Titley, New Cottage, Upper Common, Eyton, Leominster HR6 OAQ**

**Date Received:**

**14th July 2004**

**Ward:**

**Bircher**

**Grid Ref:**

**43666, 61948**

**Expiry Date:**

**8th September 2004**

Local Member: Councillor S. Bowen

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

- 1.1 This application seeks consent for the erection of two detached dwelling houses with a detached garage serving one of these dwellings. The site is located at the northwest tip of Kingsland and falls within both the settlement boundary and the Conservation Area. The land was previously a car park associated with the adjacent Monument Inn, converted from a Public House to two dwellings by virtue of planning consent DCNW2003/3111/F. The site area is approximately 0.13 hectares. The access to the new dwellings would be via the existing historical access serving the Public House.
- 1.2 The proposal involves the erection of two dwelling houses, similar in design with dormer windows in the front and rear elevations and an integrated porch which introduces a catslide element to the front elevation. Both dwellings are relatively modest three bedroom properties with a footprint of 1.5 metres by 6.5 metres, excluding the porch. The ridge height is 6.9 metres.

## **2. Policies**

### **2.1 Leominster District Local Plan**

Policy A2(C) - Small Scale Development within Defined Settlement Boundaries  
 Policy A18 - Listed Buildings and their Settings  
 Policy A21 - Development within Conservation Areas  
 Policy A24 - Scale and Character of Development  
 Policy A54 - Protection of Visual Amenity

### **2.2 Herefordshire Unitary Development Plan (deposit draft)**

Policy DR1 - Design  
 Policy H4 - Main Villages  
 Policy H13 - Sustainable Residential Design  
 Policy H15 - Density  
 Policy HBA4 - Setting of Listed Buildings  
 Policy HBA6 - New Development within Conservation Areas

### 3. Planning History

DCNW2003/31111/F: Conversion of Public House to form 2 dwellings  
Approved 28th November 2003

DCNW2003/1195/F: Change of use from a Public House to a private dwelling  
Approved 11th June 2003

### 4. Consultation Summary

#### Statutory Consultations

4.1 Welsh Water - no response.

#### Internal Council Advice

4.2 The Chief Conservation Officer advises that subject to conditions relating to materials

4.3 Head of Engineering and Transportation advises no observations.

### 5. Representations

5.1 Parish Council state 'Approved but design should be more varied and interesting'.

5.2 Objections have been received from:

Mrs J.A.Smith, 'Braemar', North Road, Kingsland  
Mr and Mrs Smith, Cranmere, North Road, Kingsland

The objections can be summarised as follows:

- a) Overbearing impact over adjacent dwelling
- b) Loss of light to rooms in neighbouring property
- c) Excessive density of development
- d) Excessive size of dwellings
- e) Overlooking of rear garden areas
- f) Inter-visibility with dwellings opposite

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 As the application site lies within the residential infill boundary for Kingsland there is no objection to the principle of residential development of the site.

6.2 The density of this development falls below that required by PPG3; however, it is considered appropriate in the context of this site, Kingsland and the Conservation Area. This site is best viewed as a link development site. Previously the Monument Inn stood somewhat alone at the end of North Road. Beyond the open space formed by the car parking is found a selection of dwellings, initially single storey, running into the heart of Kingsland. The gap to be filled therefore sits between a two storey property and a single storey property. The proposed development is clearly a two-

storey dwelling but it does acknowledge its position within the context of the street scene. The proposed dwellings have dormer openings at first floor level, reducing both the eaves and ridge height in comparison to a 'standard' two-storey dwelling. In addition, the catslide element in the centre of the properties has the effect of reducing the apparent bulk of the dwellings. It is considered that the dwellings will act effectively as 'link' properties and are not excessive in scale for the site.

- 6.3 The local vernacular is characterised by architectural and period variety with design and materials varying. The scale of properties in this locality varies extensively also. The neighbouring property, 'Braemar', is a single storey property and this side of the road is characterised by bungalow and dormer bungalow properties. Notwithstanding this, properties opposite are not only two-storey detached dwellings but are also far more substantial in scale to that proposed here. The design will fit comfortably into a street scene characterised by variety. The design and scale of the property are therefore considered acceptable and it is considered that the proposed development will preserve the character and appearance of the Conservation Area
- 6.4 In consideration of the residential amenity implications of the proposal it is considered that the dwellings opposite this site are of a distance to ensure privacy and overlooking impact wholly within acceptable limits. The principle properties for consideration are 'Braemar' and the dwellings now formed from the former Monument Inn. With regards the Public House conversion, the issue is the overlooking from the first floor over the rear garden area of plot 1. Although this is a consideration, two issues are important in this instance. The first is that the relationship between these dwellings is little different from that found in a corner location of a modern residential development and is not in itself unacceptable, the second is that the Monument Inn is already in-situ, potential purchasers of Plot 1 will therefore be purchasing in the knowledge of the proposed relationship. The density is not the issue here; it is simply the orientation of the Monument Inn that has the impact. It is considered that this matter is not an issue of significant concern. Turning to 'Braemar', the overlooking to the rear is likely to be limited due to the orientation of the proposed dwelling on plot 2. With regards inter-visibility and an overbearing impact it is suggested that an impact will inevitably result but that this impact will be within acceptable limits. The windows affected (with the living room/dining room served by a second opening in the rear elevation), the orientation of the proposed dwelling, and the design characteristics of the proposed properties, are all such that the impacts upon this neighbour will be within acceptable limits. Conditions are proposed relating to landscaping, boundary treatments, and new opening to ensure the continuing protection of privacy. The sites location in the Conservation Area will restrict all but the most modest of additions and outbuilding, removing the necessity to remove Permitted Development Rights.
- 6.5 Access arrangements for the site are considered to be acceptable.
- 6.6 On balance, therefore, it is considered that the proposal, subject to the following conditions, is acceptable.

## **RECOMMENDATION**

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

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

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

**2 - 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)**

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

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

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

**6 - G04 (Landscaping scheme (general) )**

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

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

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

**8 - E18 (No new windows in specified elevation)**

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

**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**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**DCNW2004/2726/RM - PROPOSED FOUR  
BEDROOMED DETACHED RESIDENTIAL DWELLING  
ADJ. OAKCHURCH FARM, STAUNTON-ON-WYE,  
HEREFORDSHIRE, HR4 7NE**

**For: Mr & Mrs J Price at same address**

**Date Received:**  
23rd July 2004

**Ward:**  
Castle

**Grid Ref:**  
37427, 44819

**Expiry Date:**  
17th September 2004

Local Member: Councillor J W Hope

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

- 1.1 The application site comprises a 0.125 hectare plot, forming part of a large field, which is located in an elevated position, flanked on its north and west sides by an unclassified road, which links the A438 to the south with the village of Staunton-on-Wye to the north-west.
- 1.2 The site lies to the west of the Parish Church, a listed building, and Church House. To the north is the existing farm complex associated with Oakchurch Farm. This includes an existing tied bungalow, a range of general purpose agricultural buildings and a number of mobile homes, providing accommodation for seasonal workers.
- 1.3 There is currently a mobile home located on part of the application site, which has been occupied by the applicant and his family since May, 2002.
- 1.4 Outline planning permission has been granted for a permanent dwelling to provide accommodation for the applicant and his family, pursuant to Application No. NW2003/2807/O on 17th December, 2003. Further to this, a reserved matters application for a dwelling with a gross floor area exceeding 300 square metres, excluding a double garage, was withdrawn (Application No. NW2004/1224/RM refers).
- 1.5 This revised application seeks reserved matters approval for a 4-bedroom dwelling with a total gross floor area of approximately 214 square metres, which includes farm office accommodation. The proposed dwelling comprises a modern, detached design and has a maximum height to the ridge of 8.6 metres. It would be located some 7 metres to the east of the existing mobile home and would be set into land which rises in an easterly and southerly direction. The rear elevation would face south, towards the A438, whilst the front would have an outlook towards the existing Oakchurch Farm complex.

## **2. Policies**

### **2.1 Government Guidance**

PPS7 Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

CTC9 - Development Requirements  
A4 - Agricultural Dwellings

**2.3 Leominster and District Local Plan (Herefordshire)**

A1 - Managing the District's Assets and Resources  
A2 (D) - Settlement Hierarchy  
A9 - Safeguarding the Rural Landscape  
A24 - Scale and Character of Development  
A43 - Agricultural Dwellings

**2.4 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 Business  
LA2 - Landscape character and Areas Least Resistant to Change

**3. Planning History**

NW2000/2914/0 - Site for Proposed Agricultural Dwelling. Refused  
7th March, 2000.

NW2001/3130/0 - Proposed Agricultural Worker's Delling. Refused  
10th January, 2002.

NW2002/1073/S - Proposed Farm Track. Prior Approval Not Required  
25th April, 2002.

NW2003/2807/0 - Agricultural Worker's Dwelling. Approved.  
17th December, 2003.

**4. Consultation Summary**

Statutory Consultations

4.1 Environment Agency raises no objection in principle.

Internal Council Advice

4.2 Head of Engineering and Transportation recommends refusal due to insufficient information on access details and parking proposals.

4.3 Chief Conservation Officer raises no objection, in view of the dwelling's smaller scale and better relationship to the existing road network. It is recommended that a mixed natural species hedgerow should be planted around the perimeter of the site.

**5. Representations**

- 5.1 One letter has been received from Drs Brian and Helen Beach, Church House, Staunton on Wye. No objection in principle is raised, provided that the house is situated as far west and south as possible to minimise the loss of outlook; any further outbuildings are designed and built in materials of similar quality to the new house and that sensitive planting is carried out along the eastern boundary.
- 5.2 Staunton on Wye Parish Council raises no objection, commenting that this is a much improved proposal.
- 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 principle of an agricultural worker's dwelling has been accepted through the granting of outline planning permission 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 requirements of the farming enterprise and the impact of the dwelling upon the character and appearance of the locality.
- 6.2 In this particular case, the farm holding extends to 103 hectares, with a further 21.5 hectares rented on a short-term tenancy arrangement. The operation comprises a mixed livestock, soft fruit and arable business and the dwelling represents the second property on the Oakchurch Farm holding.
- 6.3 In common with a number of recent Committee cases, the commensurate size of the dwelling represents the starting point for the consideration of the acceptability of the detailed design, with this requirement being set out in national guidance and Local Plan policy. It is a continuing aspiration of the local planning authority to establish a modest figure by which the commensurate size of a dwelling can be supported. In this case, the proposed dwelling, in its revised form, has a gross floor area of 214 square metres, which exceeds the 120 square metre tolerance advocated by your officers and represents an even larger proposal than those recently supported by Members at The Limes (177 square metres), the Nash (192 square metres) and Marsh Farm (160 square metres).
- 6.4 The applicant has sought to justify the size of the dwelling through the submission of audited accounts of the business from April 2003 to April 2004 and it has been requested that the precise figures be kept confidential, but it is advised that Oakchurch Farm is a profitable enterprise which, on the basis of current information, would support the construction costs of the proposed dwelling.
- 6.5 Whilst accepting this statement, it must also be borne in mind that the long-term affordability of the dwelling is a material consideration in terms of its potential to provide accommodation for future generations of farm workers. A dwelling of this size and in this particular location would command a significant market value, even taking into consideration its tied occupation. As a result, there is serious doubt that it would represent a sustainable form of development should the economic circumstances of the enterprise take a downturn. It is envisaged that its value would far exceed the

average wage of an agricultural worker, making it potentially very difficult to resist the removal of the tie in the future.

- 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 concerns raised in respect of the commensurate size of the dwelling in relation to the functional needs of the holding and the implications for its long-term viability, it is also considered that its height and general design are such that it will cause unnecessary harm to the character and appearance of the locality. A reduction in the footprint and the further rationalisation of the internal accommodation would enable a reduction in the 8.6 metre maximum ridge height and limit the visual impact of the dwelling on the skyline when viewed from the A438 to the south. Furthermore, the external appearance of the dwelling, with particularly emphasis on the gabled details, fenestration and glazed balcony, is considered to have a suburban character which is out of keeping with the more traditional appearance of existing properties in the vicinity of the site.
- 6.8 It is acknowledged that design is a highly subjective matter, but, in your officer’s view, the current proposal is not acceptable and, in the absence of a justification supporting a dwelling of this size and scale, it is considered that there would be a detrimental impact on the area, contrary to Policies A1, A9 and A24 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 advice set out in Annexe A of PPS7 - Sustainable Development in Rural Areas and Policy A43 of the Leominster District Local Plan (Herefordshire)**
- 2 The proposed dwelling, by reason of its size, design and prominent location, would constitute a conspicuous feature in the landscape, which would be out of keeping with the character and appearance of other residential development in the locality. 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 this site and surroundings, which would be contrary to Policies A1, A9 and A24 of the Leominster District Local Plan.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

