

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 3rd November, 2004**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Tel 01432 260248*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 20
To approve and sign the Minutes of the meeting held on 6th November, 2004.	
4. ITEM FOR INFORMATION - APPEALS	21 - 22
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
APPLICATIONS RECEIVED	
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda items 5 to 7 are applications deferred for site inspections at the last meeting and items 8 to 17 are new applications.	
5. DCNW2004/1921/F - YATTON MARSH FARM, YATTON, LEOMINSTER, HEREFORDSHIRE, HR6 9TP	23 - 26
Extension and alterations.	
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6.	DCNC2004/2192/F - THE OLD FOLD YARD, CHURCH LANE, UPPER SAPEY, WORCESTER WR6 6XR	27 - 36
	Construction of 8 no. houses.	
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7.	DCNE2004/2398/RM - GILBERTS FARM, LILLY HALL LANE, LEDBURY.	37 - 40
	Erection of a new agricultural worker's dwelling and detached garage.	
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8.	DCNC2004/2599/F - BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE	41 - 44
	New general purpose building, chilled plant store and associated hardstandings and access ways.	
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9.	DCNC2004/2461/F - KILLIGARTH, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3LB	45 - 48
	Single storey rear extension.	
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10.	DCNE2004/2753/F - 51 OAKLAND DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2EX	49 - 52
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	Ward: Ledbury	
11.	DCNE2004/2771/F - LAND OFF NEW MILLS WAY - FROME BROOK ROAD, LEDBURY	53 - 60
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12.	DCNW2004/1305/F - ST MICHAEL AND ALL ANGELS CHURCH, CROFT, LEOMINSTER	61 - 64
	Ramp access to south entrance door of church.	
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13.	DCNW2004/2397/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ	65 - 70
	Change of use of potato store to food room for frying of potato chips.	
	Ward: Golden Cross with Weobley	
14.	DCNW2004/2577/F - CHAPEL VIEW, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3HW	71 - 76
	Retrospective use of land as gypsy / traveller caravan site for one family.	
	Ward: Pembridge & Lyonshall with Titley	
15.	DCNW2004/2763/F & DCNW2004/2760/C - THE BURTON HOTEL, MILL	77 - 86

STREET, KINGTON, HEREFORDSHIRE, HR5 3BQ

Alterations and extensions to existing building.

Ward: **Kington Town**

- 16. DCNW2004/2850/F - THE BOOZIE, UPHAMPTON FARM, UPHAMPTON, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9PA** 87 - 90

Erection of permanent agricultural worker's dwelling with garage.

Ward: **Pembridge & Lyonshall with Titley**

- 17. DCNW2004/3056/F - BRIDGE FARM, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LD** 91 - 94

Agricultural storage building and external concrete yard.

Ward: **Castle**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 6th October, 2004 at 2.00 p.m.

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

Councillors: B.F. Ashton, 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.V. Stockton, J.P. Thomas and J.B. Williams

81. APOLOGIES FOR ABSENCE

The Chairman said that as part of the restructuring of the Planning Services Department Mr K Bishop, Mr A Shepherd and Mr S Withers would be moving to the Central Division and on behalf of the Sub-Committee thanked them for the hard work that they had undertaken for the Northern Division.

Apologies were received from Councillors Mrs LO Barnett, RJ Phillips and DW Rule.

82. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
WLS Bowen	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	Personal
WLS Bowen	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	Prejudicial

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 6TH OCTOBER, 2004

JW Hope	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	Personal
Brig P Jones	DCNC2004/2722/F - Roller Shutter To Front Of Shop. Change Of Design And Fitting (Retrospective) At 7 High Street, Leominster, Herefordshire, HR6 8LZ	Prejudicial
RM Manning	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	Prejudicial
JP Thomas	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	Personal
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NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 6TH OCTOBER, 2004

JP Thomas	DCNC2004/2722/F - Roller Shutter To Front Of Shop. Change Of Design And Fitting (Retrospective) At 7 High Street, Leominster, Herefordshire, HR6 8LZ	Personal
JP Thomas	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	Personal
JHR Goodwin	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	Personal
N Dean	DCNC2004/2771/F - Erection Of 18 No. Dwellings At Land Off New Mills Way/ Frome Brook Road, Ledbury .	Personal

83. MINUTES

RESOLVED: That the Minutes of the meeting held on 8 September 2004 be approved as a correct record subject to the inclusion of the name of Councillor JP Thomas in Minute 67 (Apologies) and signed by the Chairman.

84. ITEM FOR INFORMATION - APPEALS

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

85. APPLICATIONS RECEIVED

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

86. **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 (AGENDA ITEM 6)**

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

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

The Team Leader (Minerals and Waste) reported a further monitoring report from the Parish Council and said that the application states that the company needed a 4 year planning permission in order to put in the necessary resources that would help to resolve the odour issues and to obtain the necessary licensing from the Environment Agency. The conditions that could be attached to the permission would also enable the officers to monitor and exercise greater control over the plant. He explained why it would not be reasonable to grant further temporary permission or a permission for less than 4 years. He suggested that a further condition should be added in respect of the primary compost vessel and that condition 8 should state 2005.

RESOLVED: 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 30th 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 1st 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 2005 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 interests 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 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 1st July 2005. The submitted survey shall contribute to the understanding of the construction and development of these buildings and identify areas at risk as a basis for ensuring their protection and repair.

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

- 26 - Not later than 6 April 2005 the primary composting vessel (the main processing vessel as described in the annex to application NC03 1895/N reviewed on 1 July 2003) shall be replaced and the original shall not be used again unless the Local Planning Authority has given it approval in advance in writing.

Reason: In recognition of the need to replace the original pilot

processing vessel in order to protect the amenities of local people and visitors to the area.

Informative:

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

87. DCNE2004/2398/RM - ERECTION OF A NEW AGRICULTURAL WORKERS DWELLING AND DETACHED GARAGE AT GILBERTS FARM, LILLY HALL LANE, LEDBURY. (AGENDA ITEM 7)

The receipt of an objection from Ledbury Town Council was reported.

RESOLVED: That consideration of the application be deferred for a site inspection on the following grounds:

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

88. DCNE2004/1250/L & DCNE2004/1249/F - CONVERSION OF REDUNDANT FARM BUILDINGS INTO 6 RESIDENTIAL DWELLINGS AND ALTERATIONS TO MAIN FARM HOUSE AT BROOK FARM, LITTLE MARCLE ROAD, LEDBURY, HEREFORD. (AGENDA ITEM 8)

The receipt of a letter from the Council for British archaeology withdrawing its objection in principal; and the receipt of a letter from an objector were reported.

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

RESOLVED:

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

89. DCNE2004/2771/F - ERECTION OF 18 NO. DWELLINGS AT LAND OFF NEW MILLS WAY / FROME BROOK ROAD, LEDBURY. (AGENDA ITEM 9)

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

In answer to questions about the height of the proposed flats the Principal Planning Officer explained details of the layout and site levels which would limit any overlooking of the adjoining development. There was also an area of open space between the existing dwellings and proposed flats.

Discussion centred upon the proposed toddlers play area and the Sub-Committee had concerns at the proposal for the developer to pay a commuted sum and for the Council to take over maintenance after a period of ten years had expired. The Head of Planning Services said that it would be possible for a condition to be imposed requiring the developers to maintain the play area in perpetuity. The Sub-Committee agreed that consideration of the application should be deferred to allow further discussions between the officers and applicant regarding the matter.

RESOLVED: That consideration of the application be deferred pending further discussions by the officers with the applicants with a view to ascertaining if they would agree to a condition requiring them to maintain the toddlers play area in perpetuity.

90. DCNC2004/2192/F - CONSTRUCTION OF 8 NO. HOUSES AT THE OLD FOLD YARD, CHURCH LANE, UPPER SAPEY, WORCESTER WR6 6XR (AGENDA ITEM 10)

RESOLVED: That consideration of the application be deferred for a site inspection on the following grounds:

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

91. **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 (AGENDA ITEM 11)**

The receipt of a letter of objection was reported.

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

RESOLVED:

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

92. DCNC2004/2722/F - ROLLER SHUTTER TO FRONT OF SHOP. CHANGE OF DESIGN AND FITTING (RETROSPECTIVE) AT 7 HIGH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8LZ (AGENDA ITEM 13)

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

The Sub-Committee considered that subject to the roller shutter being repainted, that planning permission could be granted because it did not detract from the Conservation Area.

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, provided that the Head of Planning Services does not refer the application to the Planning Committee;

1) the roller shutter being repainted in a darker colour

(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 Team Leader said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services.)

93. 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 (AGENDA ITEM 12)

The receipt of a letter of objection from Bodenham Parish Council was reported.

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

The Sub-Committee had reservations about the application because the proposed classroom was in very close proximity to the adjoining dwelling and would have a significant impact upon it. There were also concerns about the internal layout of the classroom which would have to be reached through an existing classroom. It was felt that an alternative location of the classroom would be possible to achieve and therefore decided that the application should be refused.

RESOLVED:

- (b) That The Northern Area Planning Sub-Committee is minded to refuse the application subject to any reasons felt to be necessary by the Head of Planning Services in consultation with the Local Ward Councillor, provided that the Head of Planning Services does not refer the application to the Planning Committee;

1) Impact and setting on the adjoining dwelling;

- (c) 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 Team Leader said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services.)

94. DCNC2004/2838/F - STORAGE BUILDING AT MIDDLE HOUSE FARM, HILLHAMPTON, BURLEY GATE, HEREFORD, HEREFORDSHIRE, HR1 3QP (AGENDA ITEM 14)

The receipt of a letter of objection was reported.

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

- 1 - Within one month of the date of this permission 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 no 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

95. DCNW2004/1391/F - ERECTION OF DETACHED DWELLING AND GARAGE ON LAND ADJ TO BARBERRY COTTAGE, WIGMORE, LEOMINSTER, HEREFORDSHIRE, HR6 9UB (AGENDA ITEM 15)

Councillor Mrs JP French said that the Local Ward Councillor, Mrs LO Barnett had expressed her appreciation for the considerable work undertaken by the officers to achieve such a satisfactory outcome.

RESOLVED: 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 properties and to preserve the visual amenities of the locality

Informatives:

N03 - Adjoining property rights

HN01 - Mud on highway

HN04 - Private apparatus within highway

HN05 - Works within the highway

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.

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

96. DCNW2004/1730/F - CONSTRUCTION OF AGRICULTURAL IMPLEMENT AND STORAGE SHED AT LAND SOUTH OF CORONATION ROAD (SO3056NW), KINGTON, HEREFORDSHIRE (AGENDA ITEM 16)

The Sub-Committee agreed that planning permission could be granted subject to the imposition of a further condition limiting the use of the building.

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 - 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.

5 - The use of the building be limited to agricultural uses only.

Reason: To safeguard residential amenity

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

97. DCNW2004/1921/F - PROPOSED EXTENSION AND ALTERATIONS AT YATTON MARSH FARM, YATTON, LEOMINSTER, HEREFORDSHIRE, HR6 9TP (AGENDA ITEM 17)

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

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

98. 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 (AGENDA ITEM 18)

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

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

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

2. A07 (Development in accordance with approved plans)

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

3. 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

99. DCNW2004/2613/F - CONSTRUCTION OF TWO DWELLINGS AND DETACHED GARAGE AT FORMER CAR PARK OF MONUMENT INN, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9RX (AGENDA ITEM 19)

An objection had been received from Welsh Water Authority in respect of the sewage capacity for the proposed dwellings. It was therefore decided that the application be delegated to the officers to approve subject to them obtaining a satisfactory resolution of this matter. The Local Ward Member, Councillor WLS Bowen to be kept informed.

RESOLVED: That the officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the applicants satisfying the requirements of the Welsh Water Authority regarding sewage disposal; the local Ward Member being kept informed; and subject to the following conditions.

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

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

2 - 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**

100. DCNW2004/2726/RM - PROPOSED FOUR BEDROOMED DETACHED RESIDENTIAL DWELLING ADJ. OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7NE (AGENDA ITEM 20)

The contents of a further letter received from the applicant in support of his application was reported.

In accordance with the criteria for public speaking Major Berry spoke against the application.

Having considered details of the application the Sub-Committee felt that the dwelling applied for would be suitable to serve the business requirements of the enterprise. The Sub-Committee did not feel that the size of the dwelling was excessive for the provision of family sized accommodation for an agricultural worker subject to it being tied in with the existing farm and the permitted development rights being removed.

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 in consultation with the Local Ward Councillor, 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**
 - 3) no permitted development rights;**
 - 4) 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 Team Leader said that given that the Sub-Committee had considered the planning policies, he would not refer the application to the Head of Planning Services.)

The meeting ended at 4.30 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Enforcement Appeal No. EN2004/0026/ZZ**

- The appeal was received on 30th 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 S and A Property Ltd
- The site is located at land at Brierley Court Farm, Brierley, Leominster
- The breach of planning control alleged in this notice is "without planning permission the erection of a single-storey building, hardstanding and water, electricity and sewage connections ("the works")"
- The requirements of the notice are: (1) Totally remove the single-storey building, hardstanding and all associated connections (including in each case all associated works and equipment) without causing additional harm to the agricultural quality or archaeological potential of the land to which this notice relates. (2) Remove from the land all building materials and rubble resulting from compliance with requirement (1) and (3) Restore the land to its condition before the breach took place by levelling the ground re-seeding it with grass and such other work as is necessary to return its agricultural land quality to at least that which it formerly had.
- The appeal is to be heard by Inquiry

Case Officer: Mark Tansley on 01432 261956

Enforcement Appeal No. EN2004/0027/ZZ

- The appeal was received on 30th 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 S and A Property Ltd
- The site is located at land at Brierley Court Farm, Brierley, Leominster
- The breach of planning control alleged in this notice is "without planning permission, change of use of the land from use for agriculture to use as a residential caravan site for the permanent stationing of caravans, together with associated works comprising the construction, erection and building of roadways, pathways, fuel tanks, water, electricity and sewage connections and storage and amenity buildings ("the associated works")"
- The requirements of the notice are: (1) Stop using any part of the land for the siting of caravans for residential use (2) Remove from the land all caravans and all associated site works as specified in the breach of planning control and (3) Restore the land to its condition before the breach took place by levelling the ground re-seeding it with grass and such other work as is necessary to return its agricultural land quality to at least that which it formerly had.
- The appeal is to be heard by Inquiry

Case Officer: Mark Tansley on 01432 261956

Enforcement Appeal No. EN2004/0028/ZZ.

- The appeal was received on 30th 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 S and A Property Ltd
- The site is located at land at Brierley Court Farm, Brierley, Leominster
- The breach of planning control alleged in this notice is "without planning permission the installation of a sewage-treatment plant, pumping station and hardstanding on the land together with associated connections from caravans in an adjoining field ("the associated connections")"
- The requirements of the notice are: (1) Totally remove the sewage-treatment plant, the pumping station, the hardstanding and all associated connections (including in each case all associated works and equipment) without causing additional harm to the agricultural quality or archaeological potential of the land to which the notice relates (2) Remove from the land all building materials and rubble resulting from compliance with requirement (1) and (3) Restore the land to its condition before the breach took place by levelling the ground, re-seeding it with grass and such other work as is necessary to return its agricultural land quality to at least that which it formerly had.
- The appeal is to be heard by Inquiry

Case Officer: Mark Tansley on 01432 261956

APPEALS DETERMINED

Application No. DCNC2003/3684/F

- The appeal was received on 5th May, 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs C Knight
- The site is located at Ground Floor, 20 Broad Street, Bromyard, Herefordshire, HR7 4BT
- The application, dated 8th December 2003, was refused on 11th February 2004
- The development proposed was Change of use to A2 (To include Volunteer Bureau).
- The main issue is that this appeal turns on the likely impact of this proposal on the vitality and viability of this shopping centre.

Decision: The appeal was **ALLOWED** on 27th September, 2004 subject to 5 year time commencement condition

Case Officer: Duncan Thomas on 01432-383093

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

5 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

Ward: Mortimer

Grid Ref: 43473, 66903

Expiry Date: 20th July 2004

Local Member: Councillor Mrs. L.O. Barnett

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:

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Background Papers

Internal departmental consultation replies.

6 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** Ward: Bringsty**Grid Ref: 68429, 63627****Expiry Date: 18th August 2004**

Local Member: Councillor T.W. Hunt

Updated report**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 by 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 amended plans:

- 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
Mr. and 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
Mrs. C. Evans-Fisher, Church Cottage, including 12 other signatories

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
- 23) Summarising objections trivialises them
- 24) Supporter, Mrs Yelland, is daughter of applicant and should declare interest
- 25) Farm traffic is of less concern than residential traffic
- 26) Contrary to para 17.53.4 of Malvern Hills District Local Plan in that it would be visually intrusive, be environmentally unacceptable and adversely affect visual quality of the area
- 27) The local plan settlement boundary was drawn particularly to exclude development of the site
- 28) Proposal considered to be departure and referred to Secretary of State
- 29) Premature application pending UDP
- 30) 30) Not a small scale development in line with Housing Policy 11
- 31) Challenge legality of terms of Section 106 agreement
- 32) Letting arrangements do not comply with adopted Local Plan
- 33) 3 houses available for rent in Upper Sapey demonstrating lack of need
- 34) Question reliance of survey of need does not indicate whether people are prepared to move to Upper Sapey

- 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. Local people consider that they had been deliberately misled by officers in terms of the presentation of the Home Point data information.
- 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. They have recently advised that grant assistance has been sought for inclusion of solar panels.
- 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.

RECOMMENDATION

That 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

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:

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Background Papers

Internal departmental consultation replies.

7 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.W. Rule M.B.E., B.F. Ashton and P.E. 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 110m² 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 Ledbury Town Council recommend refusal – Members felt that the proposed dwelling is out of keeping with the area, cannot be justified on the grounds of agricultural need and would be out of proportion to the needs of the enterprise.

The proposal is contrary to : PPG 7: 15 (a-e), 16(a), 17, 18, 110-111, 117

Should planning permission be granted then a condition should be attached to prohibit the garage being used or converted into accommodation at a future date.

- 5.2 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.'

- 5.3 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 110m² 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

5.4 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

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

6. Officers Appraisal

- 6.1 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.

Further information on the subject of this report is available from Mr. M. Tansley on 01432 261956

8 DCNC2004/2599/F - NEW GENERAL PURPOSE BUILDING, CHILLED PLANT STORE AND ASSOCIATED HARDSTANDINGS AND ACCESS WAYS AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

For: S. & A. Property per Mr. P. Dunham, Paul Dunham Associates, 19 Townsend, Soham, Cambridgeshire, CB7 5DD

Date Received: 10th August 2004 Ward: Leominster South Grid Ref: 49012, 55952

Expiry Date: 5th October 2004

Local Member: Councillors R.B.A. Burke and J.P. Thomas

1. Site Description and Proposal

1. The application site consists of the south-east corner of the field which lies immediately to the east of the existing caravan site to be subject of a Public Inquiry. The site lies approximately 400m to the west of the former hop yard at Brierley Court.
2. The proposal is for the erection of a chilled plant store measuring approximately 31m x 25.4m with a ridge height of 9.7m and eaves at 7.3m. These dimensions include a lean-to element on the rear elevation of the building up to 6m in height. Both roof and cladding materials are to be in Goosewing Grey.
3. In addition to this, a general purpose storage building is proposed measuring approximately 30.5m x 18.3m with a ridge line of 8.6m and eaves at 6.1m. It is to be similarly clad. These buildings are to be erected adjacent to the existing water tanks on a site currently occupied by polytunnel frames.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A2(D): Settlement hierarchy
A9: Safeguarding the rural landscape

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

LA2: Landscape character and areas least resilient to change
E13 – Agricultural and forestry development

3. Planning History

- 3.1 There is no planning history on this particular part of the field although Members will be aware of the recent refusal for the caravan site and amenity building in the adjoining field and of the sewage treatment works in the north-east corner of this particular field, which are subject to a Public Inquiry to be heard next year.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objection but makes comment in regard to the sustainable urban drainage schemes for surface water run-off.
- 4.2 River Lugg Internal Drainage Board also make comment with regard to the surface water discharge and comment that the Council will need to be satisfied that any increased rates of discharge volumes will not disadvantage other areas from which surface water entered the same system.

Internal Council Advice

- 4.3 Head of Engineering and Transport: No objection.
- 4.4 Head of Environmental Health and Trading Standards: No objection.

5. Representations

- 5.1 In support of the application the applicant's agent advises: 'This is a central location to the water storage and irrigation pumping centre. The existing farmyard at Brierley Court was discounted because of the need for a relatively level area for safe handling of pallets and stillage by fork trucks, because it reduces the amount of cut and fill required, approximately 300mm across the site compared to the existing yard which would involve over 2.5m, it is more easily accessible from the road access and far enough away from Brierley to mitigate issues of noise nuisance. The chiller itself is required to hold strawberry plants in a dormant state prior to planting. To date these have been held in cold store locations across the county. It allows for improved product control and eases logistical problems at store loading periods as well as when phased plantings are carried out.'
- 5.2 Objections to the proposal have been received from:

Mr. A. Green of Ivington Park Farm
Mr. T. Inglis of Hillview, Aulden
The Arrow Valley Residents Association
Mr. B.R. Pettit of Ivington Mill
Mr. and Mrs. Hooper of Upper Court, Aulden
A. & F. Galliers-Pratt of Upper Wintercott, Ivington
P. Johnson of Lower Park Cottage, Ivington
Leominster Civic Trust

Additionally, a petition objecting to the proposal containing 70 signatures has also been received.

Objections are summarised as follows:

- 1) The proposal is a considerable distance from Brierley Court farmstead
- 2) It will result in loss of high quality agricultural land
- 3) There is no justification or logical development given that plants have a life of 3 to 4 years and the building would only be needed every 3 to 4 years

- 4) There is concern that the use would be for chilling strawberries after picking, therefore being an industrial food packaging process not agricultural production, that the building should locate on the Leominster Enterprise Park, that the existing building at Brierley Court could be adapted for this particular use, that there is no justification since the whole operation is temporary and the permanent buildings have already been refused
 - 5) More hard surfaces will cause more localised flooding of the lanes
 - 6) It is not centrally located as the agent suggests; it should be centred at Brierley Court Farm
 - 7) Additional heavy traffic on Brierley Lane
 - 8) Close to public rights of way
- 5.3 A letter has been received from the Brierley Residents Committee advising that 'in terms of location this is practical and adjacent to the farm centre, away from the hamlet so noise pollution from the chiller units nor vehicles. There would be major reservations if moved closer. The applicant has been respectful to concerns and needs of Brierley Residents and hope that the proposal form is part of an ongoing commitment. Support the application but have concerns with noise pollution.'

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 site clearly lies in open countryside where Policy A2(D) of the Leominster District Local Plan seeks to restrict development unless according with one of a number of exceptional circumstances. One of six exceptions is if the development is necessary for the efficient running of agricultural or forestry enterprises. If permitted, these would be the first authorised buildings in this location and would be likely to form the basis of the centre of operations for any further development which may be required. Policy A9 of the Leominster District Local Plan seeks to safeguard the rural landscape and the case for the buildings needs to be weighed against that particular policy. Furthermore, when considering new agricultural buildings, locations adjacent to existing buildings are usually considered to be more appropriate. In this particular instance, other than the brief comments in the agent's letter, nothing has been provided to suggest that the existing former hop yard site could not accommodate these particular buildings. Their visual impact would be much reduced if this could be achieved.
- 6.2 Policy E13 of the draft UDP also requires consideration of the functional relationship with other buildings. Where this cannot be done, that development be so sited as to be readily assimilated into the landscape. In this instance, it is considered that the scale of the buildings in relation to the public vantage points from the many public rights of way in this area, even with a landscape scheme, which has not been submitted, would make this difficult to achieve. Consequently, it is considered that the proposal would be detrimental to the visual amenity of the area, contrary to Local Plan and draft UDP policies.

RECOMMENDATION

That planning permission be refused for the following reason:

It is considered that the proposal would be contrary to Leominster District Local Plan Policy A9 and Herefordshire Unitary Development (Revised Deposit Draft) Policy E13 in that the buildings would be detrimental to the visual amenity of the area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCNC2004/2461/F - SINGLE STOREY REAR EXTENSION AT KILLIGARTH, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3LB

**For: Mrs. S.E. Wintle, Broadheath Consulting Ltd,
Broadheath, Moreton on Lugg, Hereford, HR4 8DQ**

Date Received: 5th July 2004 Ward: Hampton Court Grid Ref: 54359, 51459

Expiry Date: 30th August 2004

Local Member: Councillor K.G. Grumbley

1. Site Description and Proposal

- 1.1 Killigarth is situated on the east side of the A417 amongst a small residential enclave at Bodenham. The property is a dormer style bungalow which has been previously extended. The proposal is for a further small single storey flat roofed extension to the rear, measuring 3 m x 5 m. This is proposed to provide kitchen/diner accommodation to what has become a granny annexe. It would appear that the granny annexe was created in October 2003 by way of alteration to part of the previously approved extension granted permission in July 2000.

2. Policies

Leominster District Local Plan

Policy A54 – Protection of Residential Amenity

Policy A56 – Alterations, Extensions and Improvements to Dwellings

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H18 – Alterations and Extensions

3. Planning History

NC2000/1349/F – Replace existing conservatory with brick and glass conservatory, make integral garage into study and bathroom. Approved 20th July 2000.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

5. Representations

- 5.1 Bodenham Parish Council has no objection.

- 5.2 Objections have been received from Mr & Mrs P Williams of 2 Caldervale Close, Bodenham who consider that the single storey extension 3ft to 4ft from the rear boundary and the 35ft from the front door will mean overlooking of the lounge and kitchen and could restrict light. There is also a concern about delivery of building materials and work.
- 5.3 A letter of objection has also been received from Mrs Heap, Coverdale, Woodhouse Lane, Bodenham making the following points:-
- a) The extension will be extremely detrimental and result in even more overlooking.
 - b) Disturbance from building works.
 - c) Proposed site window and rear doors will cause loss of privacy and enjoyment of property.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This a further modest extension to the previously extended property which will not unduly detract from the character nor dominate the existing property. It is not considered that there is cause to refuse the application on the grounds of overlooking and loss of privacy from ground floor windows.
- 6.2 It is considered therefore that the proposal complies with the relevant Local Plan and UDP Policy and supported accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

3 The granny annexe to which the approved extension is attached shall not be occupied at any time other than for for purposes ancillary to the residential use of the dwelling known as Killigarth.

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCNE2004/2753/F - REMOVAL OF EXISTING GARAGE, CONSTRUCTION OF SIDE EXTENSION AND CONVERSION OF LOFT SPACE AT 51 OAKLAND DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2EX

For: Mr. & Mrs. M.J. Chappell, Gibson Associates, Bank House, Bank Crescent, Ledbury, Herefordshire, HR8 1AA

Date Received: 26th July 2004

Ward: Ledbury

Grid Ref: 70812, 37082

Expiry Date: 20th September 2004

Local Members: Councillors B.F. Ashton, D.W. Rule M.B.E. and P.E. Harling

1. Introduction

- 1.1 The application site is located within the residential cul-de-sac Orchard Drive, Ledbury, the immediate area characterised by the presence of semi-detached bungalows. The application seeks permission for the demolition of the existing semi-detached garage and erection of a side extension to the existing bungalow to create integral garage and bedroom.
- 1.2 It is also proposed to construct a flat roof dormer window to the rear elevation to enable the conversion of the roof space to form two further bedrooms and a bathroom.
- 1.3 The proposed side extension would project 4.1m from the front elevation of the dwelling and is "stepped in" to reflect the line of the site boundary. The building line is set back from that of the original dwelling and the ridge line set down.
- 1.4 The proposal under consideration is an amendment to that originally proposed. Negotiations have sought to address concern over any potential overlooking of neighbouring amenity space by reducing the width of the dormer window and substituting one of the bedroom windows proposed for a roof light.

2. Policies

Malvern Hills District Local Plan

Housing Policy 16 – Extensions

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Housing Policy 18 – Alterations and Extensions

3. Planning History

- 3.1 None relevant to the determination of this application.

4. Consultation Summary

Statutory Consultations

4.1 No statutory Consultations were necessary.

Internal Council Advice

4.2 Head of Engineering and Transportation: Initial recommendation was for refusal on the basis of insufficient information on parking. This objection has subsequently been withdrawn.

5. Representations

5.1 Parish Council: No objection

5.2 Letters of objection have been received from:

Mr. M.T. Eden, PO Box 29, Malvern, WR14 3XZ (owner of No.49 Orchard Drive) and Mrs. C. Penter, occupier of No.49 Orchard Drive, Ledbury, HR8 2EX.

Objections relating to the amended plans are summarised as follows:

1. The extension will fall outside the building line of the street.
2. Bedroom windows will overlook the garden to Nos.49 & 55 Oakland Drive, causing loss of privacy.
3. The removal of the garage would have implications for the remaining garage to No.49, which is single skin. Steps should be taken to ensure that it is left watertight and that nothing be affixed to it.
4. The addition of this kind roof extension would be very unsightly and set a precedent for similar development.

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

6. Officers Appraisal

6.1 It is considered that the key issues in the determination of this application are:

- The acceptability of the proposed extensions having regard to the character and appearance of the dwelling and the surrounding area;
- An assessment of the impact upon the residential amenity of neighbouring residential properties.

6.2 In assessing proposals for extensions regard should be had to policy H16 of the adopted Malvern Hills District Local Plan. Amongst other criteria, this policy states that extensions should be “at a scale and mass which ensures that the architectural character of the original building is retained and continues to dominate” and “not result in undue loss of residential amenity to nearby properties.”

- 6.3 The proposal would extend 4.1m from the side of the front elevation, although owing to the line of the site boundary this is reduced to 2.8m at the rear. The existing bungalow has a footprint of 66.9 square metres, which by virtue of the extension would be increased by approximately 33 square metres. Approximately half of this increase can be counter balanced by the removal of the existing single garage. In an attempt to lend the scheme a degree of subservience the ridge line over the extension has been kept lower than that of the original dwelling and the building line set back. In terms of scale and mass the proposal is considered acceptable in accordance with the relevant policy.
- 6.4 The site lies within a tightly defined residential area, the prevalent form of development comprising semi-detached bungalows. Concern has been expressed over the potential loss of privacy to the occupiers of Nos.49 and 55 Oakland Drive should planning permission be granted. In attempting to overcome overlooking the scheme has been revised to omit a portion of the dormer window and substitute the window closest to the mutual property boundary with No.49 for a roof light. The bathroom window could be conditioned to be obscure glazed.
- 6.5 The site inspection revealed the presence of similar flat roof dormer extensions to properties elsewhere in the cul-de-sac (notably to the north of the application site) and it is therefore considered that the design concept would not appear alien in the local context. Furthermore, if pursued in isolation, the dormer window could be erected without express planning permission, under permitted development rights.
- 6.6 The integrity of the single storey garage to No.49 constitutes a civil issue.
- 6.7 Having regard to Local Plan policies and all other material considerations it is recommended that planning permission be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A09 (Amended plans)

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

3 B02 (Matching external materials (extension))

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

4 E19 (Obscure glazing to windows)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 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: Councillors B.F. Ashton, D.W. Rule M.B.E. & P.E. Harling

This planning application was deferred at the last meeting to enable further discussions to take place with agents concerning the maintenance of the play area.

The applicants now propose to delete the play area and utilise the space for additional car-parking.

The removal of the play area is strictly contrary to policy, however Member's concerns regarding the future maintenance cost were noted and accordingly this has been removed from the proposal.

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 Children’s 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."

- 4.4 Head of Environmental Health and Trading Standards – no objection subject to working hours condition.
- 4.5 Head of Conservation – Mitigation needed in event of slowworms being present can be covered by condition.

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 (plots 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 the 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

THAT:

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**

and any additional matters and terms as she considers appropriate

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:

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Background Papers

Internal departmental consultation replies.

12 DCNW2004/1305/F - RAMP ACCESS TO SOUTH ENTRANCE DOOR OF CHURCH AT ST MICHAEL AND ALL ANGELS CHURCH, CROFT, LEOMINSTER

For: P.C.C. of St Michael's Church per Bartosch and Stokes, 1 Bath Mews, Bath Parade, Cheltenham, Gloucestershire, GL53 7HL

Date Received: 8th April 2004

Ward: Bircher

Grid Ref: 44990, 65421

Expiry Date: 3rd June 2004

Local Member: Councillor W.L.S. Bowen

1. Site Description and Proposal

- 1.1 This application seeks planning permission for the development of an access ramp on the south side of St Michael and All Angels Church, Croft. The Church is a Grade I Listed Building though no Listed Building Application is required by virtue of ecclesiastic exemption. The church is a very attractive mid 14th Century building, extended in the 16th century and restored in the 17th and 19th Century. The church lies to the east of Croft Castle. The site falls within a Historic Park and Garden.
- 1.2 The application originally requested a ramp constructed stone to match the existing, together with handrail. This proposal was not supported by the Historic Buildings Officer and after protracted negotiations the scheme has been revised. The application now seeks consent for works to raise the pathway along the line of the original path at an increased elevation. The existing steps would be preserved with an overlay of a breathable membrane.

2. Policies

Government Guidance

PPG1
PPG15
PPG16

Leominster District Local Plan

A1 – Managing the Districts Assets
A2(D) – Settlement Hierarchy
A11 – Parks, Gardens and other Historical Landscape Features
A18 – Listed Buildings and their Settings
A22 – Ancient Monuments and Archaeological Sites
A24 – Scale and Character of Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 - Design
LA4 – Protection of Historic Parks and Gardens
HBA1 – Alterations and Extensions to Listed Buildings
HBA4 – Setting of Listed Buildings
ARCH3 – Scheduled Ancient Monuments

3. Planning History

None

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency raised no objections to this application.
- 4.2 English Heritage raised no objections to the revised proposal.

Internal Council Advice

- 4.3 The PROW manager raised no objection to this application
- 4.4 The County Archaeologist raised no objection to this proposal subject to a condition to allow for site observation.
- 4.5 The Head of Engineering and Transportation raised no objections to this application
- 4.6 The Head of Conservation raised no objection to the revised proposal, subject to appropriate conditioning.

5. Representations

- 5.1 The National Trust have maintained their objection to the revised proposal. The National Trust would prefer to see a timber ramp installed to remove the need for any ground works.
- 5.2 Croft and Yarpole Parish Council raised no objections to this application.
- 5.3 The Garden History Society raised no objections to this application
- 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 St Michaels Church, and indeed Croft Castle and the surrounding grounds, are of national importance and as such although this proposal is modest in scale it is nevertheless of great importance.
- 6.2 From a planning policy perspective there are no objections to this development subject to the implications upon the Listed building and wider area. Concern was raised over

the original submission, which called for a stone structure, due to the physical and visual impact of this concept. It was considered that the preferred options for this ramp were either a wooden ramp, or the physical building up of the pathway. Both these options have the advantage of being totally reversible, enabling the total protection of the church. Both these options were explored in some detail and while advantages exist with both options, the building up of the pathway has been chosen as the preferred choice. This scheme involves the use of the existing access point through the hedge, unlike the wooden ramp which would require a new opening. The existing opening would be widened to allow for a footpath of 1.1 metres width. The footpath would follow the existing lie of the footpath, creating a gradual incline to the entranceway. The existing steps will be retained and preserved. This proposal will involve minimal intervention physically and visually the impact will be limited. It is considered that the proposal will not harm the associated Listed Building or the wider area.

RECOMMENDATION

That planning permission 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 D03 (Site observation – archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

3 Prior to the commencement of development the existing steps shall be recorded by drawing and photographs with said records submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the preservation of this building of special architectural and historical importance.

4 B01 (Samples of external materials)

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

5 Prior to the commencement of development the method of protecting the area of wall to the nave of the church, adjacent to the steps, on the south facing elevation shall be submitted to, and approved in writing by the Local planning Authority.

Reason: To ensure the preservation of this building of special architectural importance and to safeguard the character and appearance of this building of special architectural and historical importance.

Informatives:

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

2 N03 (Adjoining property rights)

- 3 ND03 (Contract Address)
- 4 - NC01 (Alterations to Submission/Approved Plans)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCNW2004/2397/F - CHANGE OF USE OF POTATO STORE TO FOOD ROOM FOR FRYING OF POTATO CHIPS AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ

**For: Mr. W. Chase per Multi-Fab Construction,
Lowerfields, Stretford Bridge, Leominster,
Herefordshire, HR6 9DQ**

Date Received: 1st July 2004

**Ward: Golden Cross
with Weobley**

Grid Ref: 43051, 55820

Expiry Date: 26th August 2004

Local Member: Councillor J.H.R. Goodwin

1. Site Description and Proposal

- 1.1 The application site comprises a 440 metres² part of an existing series of potato storage/packing buildings located at Tyrells Court, Stretford Bridge. The building occupies a location set back from the adjacent highway to the north east of the applicant's property and part of a well established group of modern agricultural buildings. These buildings are generally visible from the surrounding countryside but do occupy a relatively low lying position.
- 1.2 Planning permission for the change of use of an adjacent building into a crisp manufacturing factory was granted pursuant to Application No. NW2001/3173/F on 13th February, 2002. This application seeks to transfer and enhance the existing production line for hand fried potato crisps and vegetables into a new larger building with the intention that the existing building would be retained for storage and office purposes associated with the crisp manufacturing operation.
- 1.3 The application has been supported by information relating to the traffic generation/distribution implications of the expanding operation and detail of the existing and proposed ventilation system.

2. Policies

Government Guidance

PPG7 – Sustainable Development in Rural Areas

Hereford and Worcester County Structure Plan

Policy E6 – Development in Rural Areas Outside the Green Belt

Policy A2 - Diversification of Agricultural Units

Leominster District Local Plan

Policy A1 – Managing the District’s Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A13 – Pollution Control
Policy A14 – Safeguarding the Quality of Water Resources
Policy A15 – Development and Watercourses
Policy A35 – Small Scale New Development for Rural Businesses Within or Around Settlements
Policy A36 – New Employment Generating Uses for Rural Buildings
Policy A45 – Diversification on Farms
Policy A54 – Protection of Residential Amenity
Policy A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
DR2 – Land Use and Activity
E6 – Expansion of Existing Businesses
E11 – Employment in Smaller Settlements and Open Countryside
LA2 – Landscape Character and Areas Least Resistant to Change
HBA12 – Re-Use of Rural Buildings

3. Planning History

NW2001/3173/F - Change of use of portal frame building from potato packing/storage to potato crisp manufacturing. Approved 13 February 2002.

NW1999/1597/F - Erection of 3-bay carport and storage shed. Approved 20 July 1999.

N98/0248/N - Side extension to form machinery building for potatoes. Approved.

N98/0269/N - Insulated potato storage building. Approved 25 September 1998.

4. Consultation SummaryStatutory Consultations

4.1 None

Internal Council Advice

4.2 Head of Engineering and Transportation raises no objection.

4.3 Head of Environmental Health and Trading Standards raises no objection subject to controls over ventilation of fumes and odours.

5. Representations

- 5.1 Two letters of objection have been received from Mr. R.J. Gough of Bower House, Dilwyn and Mr. & Mrs. T. Ford of Barr, Stretford, Leominster. The following concerns have been raised:
- existing concern regarding smells from the frying will worsen if Tyrells are allowed to increase their capacity
 - potential for 24 hour operation and lorry movements throughout the night
 - additional traffic on already overused country lanes
 - main entrance to site is dangerous
 - original permission granted on basis that further expansion would require relocation of the operation to a more suitable premises.
- 5.2 Dilwyn Parish Council state that they have no objection to the installation of a low temperature vacuum fryer for the production of vegetable product but object to another potato fryer. The main reservations relate to increased traffic but the creation of more jobs is welcomed.
- 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 Policy A36 of the Leominster District Local Plan (Herefordshire) establishes the principle for the creation and expansion of new employment generating enterprises associated with existing agricultural buildings. It is considered that the criteria relating to the suitability of this modern potato store for conversion are broadly satisfied. It is suggested by the applicant that the proposal would create approximately 10 more jobs to compliment the current 25 strong workforce.
- 6.2 Notwithstanding the support provided by Policy A36 of the Local Plan and in common with material issues raised by the Parish Council and local residents, this proposal must be considered against detailed policies seeking to ensure that commercial re-use/diversification projects preserve the amenities of the locality and do not threaten the safe use of the surrounding rural road network.
- 6.3 With regard to the potential for noise and more particularly odour associated with the existing and proposed cooking processes, it is advised that the Head of Environmental Health and Trading Standards raises no formal objection to the expansion of the Tyrells operation subject to the imposition of a condition requiring details of a proposed odour and fume control scheme being submitted prior to the new building being used. Furthermore, it is maintained that no complaints about the existing operation have been received since the original approval was granted in early 2002. Investment in the odour filtration system required to support the cooking processes is considered vital by the applicant since he lives very close to the existing production unit and it has been advised that the intention is to install a special fryer in the new building which cooks vegetables and condenses the steam into liquid almost entirely eliminating odours.
- 6.4 In the light of the limited impact on the amenities of nearby occupiers it is not considered appropriate to impose a condition restricting the hours when potato and vegetable frying

is carried out. The imposition of such a condition would be seen by the applicant as unworkable since it would remove the ability to be flexible enough to cope with seasonal demands in production.

- 6.5 In terms of heavy goods vehicle traffic it was originally submitted that the diversification away from potato storage and distribution would reduce the tonnage of product leaving the site from approximately 80 – 100 tons (4.5 HGV's per day) to around 40 tons (1-2 HGV's per day) and also reduce the size of vehicles. This trend continues according to the information submitted with the current application. The re-use of the proposed potato store for the enhanced crisp production line and the reversion of the existing building for storage predominately finished product would result in approximately 1500 tons less of potatoes being stored and distributed from the site which would be replaced by approximately 200 tons of crisps. Having regard to the potential impact of larger HGV's in greater numbers than projected for the operational requirements of the activity associated with expanded crisp production, it is maintained that there will be an overall improvement presenting less of a safety problem on the narrow road system.
- 6.6 This is endorsed by the Head of Engineering and Transportation who raises no objection to the proposal based on the traffic figures provided.
- 6.7 At first glance it would appear that this proposal involves a significant expansion in production floorspace but in essence, this application relates to the transferring of the existing crisp manufacturing production line into a new larger building where it would operate alongside an enhanced vegetable frying production line. The existing building would be retained as the main office base providing additional storage space for the finished products. To this end the actual impact of the proposal is relatively modest and subject to investment in appropriate filtration systems will not cause demonstrable harm to the amenities of local residents.
- 6.8 A condition designed to manage the transfer of the operation and ensure that production floorspace is limited has been discussed and agreed with the applicant and in light of the above it is not considered that this proposal would result in harmful expansion warranting the refusal of permission and thereby the potential relocation of the business to another site.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 A11 (Change of use only details required of any alterations)

Reason: To define the terms under which permission for change of use is granted.

3 E06 (Restriction on Use) (Manufacturing of potato and vegetable crisps)

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

4 F37 (Scheme of odour and fume control)

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

5 Prior to the use hereby approved, details of the means of handling waste products associated with the potato and vegetable crisp production process shall be submitted to and approved in writing by the local planning authority. The treatment scheme as approved shall be installed/implemented and thereafter retained.

Reason: To prevent pollution of the water environment.

6 Upon commencement of the use of the building subject of this application for the approved production of potato and vegetable crisps, the use of the adjacent building approved pursuant to Application No. NW2001/3173/F on 13th February, 2002 for production purposes shall permanently cease. This building shall thereafter only be used for office and storage purposes associated with potato and vegetable crisp production.

Reason: To ensure that the expansion of the operation is limited to an appropriate level having regard to local amenity and highway safety.

Informatives:

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

2 The future expansion of this business remains a cause for concern for the local planning authority in terms of its effect upon local amenity and highway safety. An application for further expansion of the crisp manufacturing process may prove difficult to support a view of the traffic generation implications in the isolated rural location.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCNW2004/2577/F – RETROSPECTIVE USE OF LAND AS GYPSY/TRAVELLER CARAVAN SITE FOR ONE FAMILY AT CHAPEL VIEW, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3HW

For: Mr. A.G. Taylor at above address.

Date Received: 12th July 2004

Ward: Pembridge & Lyonshall with Titley

Grid Ref: 33652, 55437

Expiry Date: 6th September 2004

Local Member: Councillor R.J. Phillips

1. Site Description and Proposal

- 1.1 Chapel View comprises a 0.16 hectare plot of former orchard land located on the south side of the C1031 (Bollingham Lane) immediately to the rear of the Lyonshall Baptist Church. A public footpath (LZ8) runs along the south western boundary of the site.
- 1.2 The site lies in open countryside and partly abuts the defined settlement boundary of Lyonshall.
- 1.3 The site is occupied by Albert and Rosetta Taylor who following works to erect fencing, create an access and site a storage container, moved onto the site in May 2004. They currently occupy a large touring caravan which is sited close to the western boundary of the application site.
- 1.4 This planning application seeks retrospective approval for the siting of one residential touring caravan and associated temporary structures used for ancillary residential purposes and storage in connection with the applicants business. The description specifically refers to use for one family.
- 1.5 The application is accompanied by a statement confirming the applicant gypsy status and that of their parents who reside at an authorised site known as Little Preeces Plock near to Pembridge. It is advised that the application site will be mainly occupied during the winter months, whilst during the remainder of the year it will be left at intervals when the applicant will travel seeking seasonal farm work and to attend various gypsy gatherings.

2. Policies

2.1 Government Guidance

PPG3 – Housing

PPS7 – Sustainable Development in Rural Areas

Circular 1/94 – Gypsy Sites and Planning

Circular 18/94 – Gypsy Sites and Unauthorised Camping

Managing Unauthorised Camping: A Good Practice Guide issued February 2004-10-15

2.2 Hereford and Worcester County Structure Plan

- Policy H16 – Housing in Rural Areas
- Policy H20 – Housing in Rural Areas Outside Green Belts
- Policy G1 – Gypsies
- Policy G2 – Gypsies
- Policy RC1 – Residential Caravan Sites
- 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 A16 – Foul Drainage
- Policy A24 – Scale and Character of Development
- Policy A58 – Mobile Homes
- Policy A59 – Gypsy Caravan Sites

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

2.5 Herefordshire Council Travellers Policy – Adopted in November 2002

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objection subject to conditions restricting the discharge of foul and surface water from the site.
- 4.2 Head of Engineering and Transportation raises no objection.
- 4.3 Public Rights of Way Manager raises no objection.

5. Representations

- 5.1 A total of 20 letters of objection have been received and the concerns raised can be summarised as follows:

- applicant not the legal owner of the land and is in effect a squatter
- applicant not living as a gypsy traveller
- land is outside the settlement boundary of Lyonshall
- detrimental to the amenity of the locality
- potential for future additional occupation by other travellers
- devaluation of property
- other authorised gypsy sites are empty
- application is retrospective
- no need for the number of structures on the site
- concern regarding disposal of sewage
- unauthorised business activity being carried out from site
- additional traffic and activities during the night not acceptable onto Spond Lane
- harmful impact on agricultural land.

5.2 A petition with 61 signatories opposing the application on the grounds of the sites location outside the settlement boundary and its detrimental impact on the neighbourhood has been received.

5.3 Lyonshall Parish Council have the following comments and objections:

- application should be described as retrospective
- outside the settlement boundary for the village
- ownership of land is disputed
- proposed site is a blight on the village
- it is believed that the site will also be used for business/trading
- site already occupied with homes and vehicles coming and going during the night and in the early hours of the morning
- concerns about future expansion beyond one family
- out of keeping with neighbouring properties and character of the area
- supporting information refers to a village shop - there is none
- no signs of nomadic lifestyle apparent from observations.

5.4 A letter of representation has been received from a representative of the Travellers Health Project at the Herefordshire Primary Care Trust, which supports the applicants status as a traveller.

5.5 No authorised sites locally available. Site in Pembridge, Luston and Bosbury all fully occupied. Site at Bromyard requires, extensive repairs and maintenance and it too far from the applicants local connections. Sensibly planned small scale sites represent the right approach to meeting the need for sites. The application site is well located in relation to the village and does not have a wider visual impact on the local landscape.

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

6. Officers Appraisal

6.1 The key issues for consideration in the determination of this application are the principle of residential development having regard to the gypsy status of the applicant and the associated visual impact of the residential caravan and associated structures on the character and appearance of the locality.

- 6.2 In common with a number of recent applications, research has been carried out into the background of the applicant and in this case independent confirmation has been received from the Travellers Health Project under the umbrella of the Herefordshire NHS Primary Care Trust and The Herefordshire Travellers Support Group that Mr & Mrs Taylor are of a traditional travellers background having been known to the project for approximately 3 years. It is considered that this information substantiates the documentation, which accompanies the application indicating that Mr & Mrs Taylor were born and bred into the local traveller community, with relatives living on a private site on the edge of Pembridge (Little Preeces Plock).
- 6.3 In light of the above it is considered that the application can legitimately be considered against the requirements of Policy A59 of the Leominster District Local Plan (Herefordshire), which deals specifically with Gypsy Caravan Sites. It is also advised that gypsy caravan sites can be considered as one of the exceptional circumstances provided for under the terms of Policy A2(D) of the Local Plan which otherwise refers strict control over development in the open countryside. It follows therefore that in accepting the applicant's gypsy status, the broad principle of a residential site for their occupation should be supported subject to compliance with the criteria set out in Policy A59.
- 6.4 Policy A59 states that where adequate provision for gypsies is not available; the local planning authority will permit sites for caravans subject to consideration of the scale, visual impact and sustainability of the location. Contrary to a number of comments made by interested parties, there are no appropriate pitches available on authorised sites with the nearest being at Pembridge, which is fully occupied at the present time. In the light of this, it is recommended that the main consideration in this case the impact of the use upon the visual and residential amenities of the locality since the proximity of the site to the established settlement boundary of Lyonshall is such that it is regarded to be a sustainable location.
- 6.5 It is clear that the unauthorised presence of the applicant at the Chapel Orchard site is a cause for serious local concern evidenced by the weight of objections and the response from the Parish Council. The retrospective nature of the application is regrettable but in its own right is not a material consideration in the decision making process and furthermore, the red line drawn around the application site represents the limit of the proposal, which is restricted to one family and the associated structures currently on the site.
- 6.6 In the light of these concerns it has been discussed and agreed that any permission would be made personal to the applicant requiring the cessation of the use for residential purposes upon his leaving the site. It has also been advised that the remainder of the land would be retained for the grazing of the applicants horses or otherwise landscaped in order to reinstate the orchard character of the site and reduce the impact of the caravan and associated structure when viewed from the public highway (Bollingham Lane). The site is well screened from the public footpath and the properties to the east and accordingly with appropriate attention to landscaping it is considered that the site could be successfully integrated into the locality.
- 6.7 The sites close proximity to the settlement boundary and by definition the existing dwellings in the locality is such that the amenities of neighbouring occupiers is an important consideration. The use of the site as proposed is for residential purposes, which in its own right is consistent with the character of the area. It also benefits from a connection to the mains sewage system. However, genuine concerns have been raised with regard to business related activity on the site and in response to these the applicant

has advised that his main source of income is through tree work, constructing gravel driveways, fence erecting and seasonal farm work. In connection with this, equipment is stored within the lorry container and the applicant does keep his pick-up truck and trailer on the site but has stressed that commercial activity does not and will not take place on the site. It is considered that on the basis of the information provided, the level of activity associated with the primary residential use would be ancillary and there for not a material change of use warranting the refusal of permission at this stage.

- 6.8 If more complaints about the level of noise and activity are received then this matter would require further investigation and could if expedient necessitate formal enforcement proceedings against an unauthorised business use.
- 6.9 In conclusion therefore, if the principle of the occupation of the site by the applicant is accepted, it is not considered that the visual impact and the effect of the development upon the amenities of neighbouring occupier would represent justifiable grounds for refusal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - E27 (Personal condition) (Albert George Taylor & Rosetta Taylor)

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

2 When the caravan site ceases to be occupied by Albert George Taylor and Rosetta Taylor, the use hereby permitted shall cease and the caravan and all associated structures brought onto the site in connection with the use shall be permanently removed.

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

3 This permission relates to the siting of one residential touring caravan and no other units of accommodation shall be brought onto or occupied on the site.

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

4 Within one month of the date of this permission, confirmation of the connection of the touring caravan and any other structure requiring connection to the mains sewer shall be providing in writing for the approval of the local planning authority. The approved scheme shall be implemented within a further month of the approval and thereafter maintained.

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

- 5 Within one month of the date of this permission a landscaping scheme including orchard planting and appropriate hedgerow planting along the northern boundary of the faced area together with details of species, sizes and planting numbers and measures for their protection shall be submitted to and approved in writing by the local planning authority.

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 H16 (Parking/unloading provision - submission of details)

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

Informatives:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 The applicant is advised that the current levels of activity associated with his employment is considered to be ancillary to the approved residential use of the site. The local planning authority reserve the right to reconsider this matter if business related activities increase to the extent that a material change of use occurs.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

15 DCNW2004/2763/F - ALTERATIONS AND EXTENSIONS TO EXISTING BUILDING AT THE BURTON HOTEL, MILL STREET, KINGTON, HEREFORDSHIRE, HR5 3BQ**DCNW2004/2760/C - ALTERATIONS AND EXTENSIONS TO EXISTING BUILDINGS, INCLUDING DEMOLITION AT SAME****For: Mr. J. Richardson per Warren Benbow Architects,
21 Mill Street, Kington, Herefordshire, HR5 3AL****Date Received: 26th July 2004****Ward: Kington Town Grid Ref: 29624, 56563****Expiry Date: 20th September 2004**

Local Member: Councillor T.M. James

1. Site Description and Proposal

- 1.1 The application site comprises the Burton Hotel with its associated enclosed parking area and gardens, which together occupy a prominent town centre location within the Kington Conservation Area. The hotel building represents an important local landmark, which although not listed for its architectural value, is a substantial predominately 3-storey brick, stone and rendered building fronting onto Mill Street, with its walled courtyard forming the northern boundary of the site. To the rear of the principal building is a 2-storey stone and timber framed building providing ancillary staff accommodation and a single storey extension providing a function room (NW2000/2615/F refers).
- 1.2 To the west of the hotel is the Tourist Information Office and Kington Town Council Office beyond which is the junction of Mill Street with Crabtree Road, which in turn skirts along the western and southern boundary of the hotel providing access to Marwick Close, the Co-op Supermarket and the public car park. The boundary here is defined by a high red brick wall with the main vehicular access being adjacent to the timber framed staff accommodation building.
- 1.3 To the east of the site is the Grade II Listed Wesleyan Chapel and its grounds which are separated by a public footpath defined by high stone walls. Immediately adjacent to the chapel and alongside the recently built function room extension is 4 Harp Yard, a dwelling with basement, ground and first floor windows facing south.
- 1.4 The associated garden area is partly maintained for residents use but it is otherwise rather unkempt in appearance with a number of predominately fruit trees growing close to the southern boundary.
- 1.5 Planning permission is sought for an extension on the rear elevation of the hotel, which would accommodate a swimming pool and hot tub area. The pool building would reflect the scale and character of the recent function room extension whilst the hot tub area would echo the form of the existing staff accommodation building which would provide changing facilities on the ground floor. The existing banqueting hall and

undercroft would be converted into a health suite and cafe and it is proposed that a new lift rotunda would replace an earlier extension on the north side of the building providing the link between the existing hotel and the new facility. The swimming pool and health suite facility would be available to hotel patrons and paying members of the public.

- 1.6 In addition to the works to the building itself 2 additional and separate wings of accommodation are proposed. Along the eastern edge of the site it is proposed to construct a 2-storey building providing 8 en-suite bedrooms and 2 holiday cottages/suites whilst along the southern boundary with Crabtree Road a curved 2-storey building is proposed providing a total of 6 holiday cottages offering accommodation for longer breaks.
- 1.7 These wings would enclose a central landscaped courtyard providing a total of 28 parking spaces. The materials proposed include a combination of render, natural slate, brick, powder coated aluminium and glazing, in a design which incorporates a mono pitched roof form pitching away from the site boundaries.
- 1.8 The planning application is accompanied by an application for Conservation Area Consent dealing with the demolition of the extensions at the front of the hotel. A detailed Design Statement and a framework for a Green Travel Plan have also been submitted for consideration.

2. Policies

Government Guidance

PPG15 – Planning and the Historic Environment

Hereford and Worcester County Structure Plan

CTC9 - Development Requirements
 CTC11 – Trees and Woodlands
 CTC15 – Conservation Areas
 CTC18 – Development in Urban Areas
 TSM1 – Tourism Development
 TSM5 – Tourist Accommodation

Leominster District Local Plan (Herefordshire)

A1 - Managing the Districts Assets and Resources
 A2(D) - Settlement Hierarchy
 A10 - Trees and Woodlands
 A12 - New Development and Landscape Features
 A18 - Listed Buildings and their Settings
 A21 - Development within Conservation Areas
 A24 - Scale and Character of Development
 A25 - Protection of Open Areas or Green Spaces
 A61 - Community, Social and Recreation Facilities
 A70 - Accommodating Traffic from Development
 A73 - Parking Standards and Conservation

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
S8 – Recreation, Sport and Tourism
S11 – Community Facilities and Services
DR1 – Design
DR2 – Land Use and Activity
LA5 – Protection of Trees, Woodlands and Hedgerows
LA6 – Landscaping Schemes
HBA4 – Setting of Listed Buildings
HBA6 – New Development within Conservation Areas
HBA8 – Locally Important Buildings
HBA9 – Protection of Open Areas and Green Spaces
RST1 – Criteria for Recreation, Sport and Tourism Development
RST12 – Visitor Accommodation

3. Planning History

NW2000/2615/F - Single storey extension to provide function room - Approved 16 November 2000.

94/0746 - Erection of 12 two-bed self catering units and leisure pool complex - Approved 11 April 1995. (Not implemented).

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Consultee Advice

- 4.2 Head of Engineering and Transportation raises no objection subject to standard conditions relating to position of gates and creation of splayed access.
- 4.3 Chief Conservation Officer comments that the proposal in general represent a good design and a very worthwhile project. Concern is expressed in relation to the external lift shaft on the Mill Street elevation, which obscures part of the existing architectural detailing and painted render would appear heavy and obtrusive.
- 4.4 Head of Environmental Health and Trading Standards raises no objection subject to the restrictions on demolition and construction on site and a condition precluding the burning of waste/materials on site.
- 4.5 Public Rights of Way Manager raises no objection.

5. Representations

- 5.1 One letter of objection has been received from Dr. Fforde of 4 Harp Yard, Kington, expressing the following objections:
- proposed building will result in loss of light into my property
 - proposed building will block the view from my property

- balconies and windows will overlook my property resulting in a loss of privacy
- additional activity will increase noise levels (day and night).

- 5.2 One letter of support has been received from R. Alford of Pinecroft, Titley commenting that a swimming pool and fitness suite will benefit the whole of Kington and that extra accommodation will bring more people to the town.
- 5.3 Kington Town Council fully supports both application.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues for consideration in the determination of these applications are as follows:
- a) the principle of refurbishing and extending the hotel and the construction of the additional bedroom wings;
 - b) the impact of the proposed development on the character and appearance of the Kington Conservation Area and the setting of the Kington Conservation Area and the setting of the Grade II Wesleyan Chapel;
 - c) the impact of the proposed development upon the residential amenities of neighbouring occupiers and;
 - d) access and traffic related matters.

Principle of the Proposed Development

- 6.2 The Burton Hotel site represents an important town centre location upon which a range of development opportunities could be entertained and this proposal which seeks to enhance the existing facilities whilst offering a range of dual uses accessible to the general public is one that has been supported in the past and remains so in respect of currently adopted policy.
- 6.3 The land in between the principal building and its boundary with Crabtree Road is at present underused and poorly maintained and aside from its value as an open space within a predominantly built up part of the town centre it is not considered to enhance or conserve the character and appearance of its historically sensitive setting.
- 6.4 In the terms of the broad principle therefore it is considered that the individual elements of this proposal combine to make it a very worthwhile mixed use development within a town centre location.

Impact on Kington Conservation Area and Setting of Listed Buildings

- 6.5 In order to effectively assess the impact of the proposal on the historic environment in which the application site is located it is considered necessary to split the detailed appraisal into the implications of the physical extensions/works to the building and the impact of the detached bedroom wings.
- 6.6 The extensions to the hotel comprise the swimming pool, hot tub/changing room area at the rear and the external lift shaft visible in the corner of the parking forecourt at the front of the site.

- 6.7 The swimming pool extension reflects the design elements and materials utilised successfully in the execution of the approved function room extension (NW2000/2615/F refers) whilst the hot tub and changing room echoes the timber framed characteristics of the existing staff accommodation building. Both structures are of an appropriate scale enabling the continuing appreciation of the substantial hotel building and whilst both will project beyond the building line established by the function room extension, views across the open part of the site towards the listed Wesleyan Chapel will be retained. The existing chestnut tree which marks the main entrance to the site from Crabtree Road would also be retained in view of its important amenity value in the immediate locality.
- 6.8 The lift extension at the front to the site is the only element of this proposal which has generated concern from the Chief Conservation Officer and the treatment of this structure is considered very important since it could detract from the formality of the large sash windows facing Mill Street. The lift is a vital element of the proposal as a whole since it provides the link between the main hotel and the proposed health suite. Alternative approaches to the provision of the passenger lift have been discussed but it has not been possible to find a suitable solution and as such formal consideration in its current free standing rendered and glazed form is requested by the applicant who has also provided a perspective illustration of the lift and forecourt.
- 6.9 In this case the considerable benefits of the scheme in its entirety have been attached significant weight and whilst the views of the Chief Conservation Officer are acknowledged it is considered that the lift feature, which will contrast with the red brick and formality of the existing building, will not have such a detrimental effect upon the character and appearance of the Conservation Area or the building itself such that the refusal of planning permission would be warranted on these issues alone. A condition imposing strict control over the detailed means of constructing the rendered and glazed lift is recommended.
- 6.10 The refurbishment of the first floor Banqueting Hall and the undercroft and the creation of a health suite with associated reception/café is considered to be an extremely beneficial re-use of this important space and the interventions in the building whilst not actually requiring permission will certainly preserve the openness and impressive height of the hall.
- 6.11 Turning to the detached bedroom wings, again the siting allows a space between the existing function room and the proposed new bedroom preserving the important view of the Wesleyan Chapel across the site. In design terms these again would utilise materials such as render, natural slate and glazing in a contemporary two storey form following the line of the established stone and brick boundary walls. The holiday cottage wing would be set in from the boundary onto Crabtree Road enabling the retention of some of the more mature and important existing trees and further landscaping is proposed to reflect the existing character of the site and the grounds of Wesleyan Chapel.
- 6.12 The most modern form of these buildings would both contrast and respect the historic fabric of the main hotel building without dominating it in views from Crabtree Road and a large landscaped parking area/forecourt would be retained in the middle of the existing and new buildings preserving at least some of the sense of open space which characterises this existing undeveloped part of the site.

- 6.13 Overall it is considered that as proposed, the important characteristics of this part of the Kington Conservation Area will be preserved with the view across the site towards the Wesleyan Chapel satisfactorily retained.

Residential Amenity

- 6.14 With the exception of the concerns regarding the impact of the proposed lift shaft identified above, the impact of the building proposals upon the amenity of the property known as 4 Harp Yard represents the only other source of concern identified locally. The objection raises serious concerns with respect to the loss of sunlight/daylight, the loss of view from the affected property, a loss of privacy associated with the provision of extended balconies and windows on the new bedroom wing and additional noise associated with the new building.
- 6.15 Government guidance indicates that the loss of a view across private land is not a material planning consideration that can be afforded weight in the decision making process. However, the other concerns raised are valid grounds for objection and have been given careful consideration in reaching this recommendation.
- 6.16 The potential for the proposed bedroom wing to overshadow 4 Harp Yard (a 3 storey property with accommodation in the basement to the north and immediately behind the Wesleyan Chapel) has been appraised using appropriate and well established techniques which indicate that the distance of the new build element from the nearest affected property would be such that its shadow line would fall some 12 metres short of its south facing windows (measurements based on 'average' period i.e March). Its impact would in affect be less that that of the existing function room so far as overshadowing in concerned it is not therefore considered that the loss of sunlight or daylight could be substantiated as a reason for refusing the application.
- 6.17 The distance and relative orientation of the bedroom wing in relation to 4 Harp Yard is also such that there would be no harmful overlooking or loss of privacy. The applicant has agreed to the removal of the external balconies on the east elevation of the bedroom wing which further limits the effect of the proposal upon the neighbouring occupier.
- 6.18 Noise, other than the potential disturbance associated with on-site construction is not considered to be a serious issue in this town centre environment and as such it would only be considered reasonable to attach a condition constricting the hours during which construction work could be carried out. The extension of the number of hotel rooms is equivalent in use terms to residential development so far as noise is concerned and whilst more activity is inevitable it is not considered by the Head of Environmental Health and Trading Standards that there are grounds for objecting to the impact of additional noise in this context.
- 6.19 The Crabtree Road elevation has been designed to as to avoid overlooking and the physical containment of the parking areas and communal walkways is such that the wider impact of noise activity and illumination is minimised.

Access and Traffic

- 6.20 The application is accompanied by a framework for a Green Travel Plan which would form part of a condition attached to any approval and with the exception of some minor changes to the parking layout, the Head of Engineering and Transportation raises no objection to the proposals.

Conclusion

- 6.21 In conclusion significant support has been expressed towards these ambitious plans to enhance the facilities offered by the proprietor of the Burton Hotel which are aimed at securing the long term future of the business whilst offering public access to the proposed new health suite. The applications have been the subject of local objection however, most notably with respect to the potential impact of the development on neighbouring property. These concerns are acknowledged, particularly given the scale of development as a whole but having regard to the extent of this impact it is not considered that there are sufficient grounds upon which to substantiate the refusal of planning permission.
- 6.22 The design of the proposals is well considered and will generally enhance or preserve the character and appearance of the area and the hotel building itself.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

NW2004/2763/F

- 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) (the method of constructing the lift shaft and the treatment and exact position of glazed junction with the existing hotel building).**
Reason: To safeguard the character and appearance of this building of (special) architectural or historical interest.
- 5 E18 (No new windows in specified elevation)(windows)**
Reason: In order to protect the residential amenity of adjacent properties.
- 6 F16 (Restriction of hours during construction)**
Reason: To protect the amenity of local residents.
- 7 F18 (Scheme of foul drainage disposal)**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 8 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.

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 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

12 Prior to the commencement of the use of the swimming pool, health suite, bedroom and holiday let wings, the full details of the Green Travel Plan together with measures for monitoring its effectiveness shall be submitted to and approved in writing by the Local Planning Authority. The document shall be maintained and kept available for inspection by the Local Planning Authority upon request and all reasonable improvements agreed in writing shall be incorporated into the Green Travel Plan.

Reason: To ensure that a range of sustainable transport alternatives are available and promoted in accordance with the sustainable objectives of Herefordshire Council.

13 H05 (Access gates)(5 metres)

Reason: In the interests of highway safety.

14 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.

15 H21 (Wheel washing)

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

16 H27 (Parking for site operatives)

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

17 H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informatives:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 HN05 - Works within the highway
- 3 HN10 - No drainage to discharge to highway
- 4 HN19 - Disabled needs
- 5 N13 - Control of demolition - Building Act 1984

NW2004/2760/C

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

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

- 2 C14 (Signing of contract before demolition)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCNW2004/2850/F - ERECTION OF PERMANENT AGRICULTURAL WORKERS DWELLING WITH GARAGE AT THE BOOZIE, UPHAMPTON FARM, UPHAMPTON, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9PA

For: Mr. & Mrs. J. Roberts per Bryan Thomas Architectural Design Ltd, The Malt House, Shobdon, Leominster, Herefordshire, HR6 9NL

Date Received: 2nd August 2004

Ward: Pembridge & Lyonshall with Titley

Grid Ref: 40074, 63485

Expiry Date: 27th September 2004

Local Member: Councillor R.J. Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a 0.35 hectare plot located to the north east of Uphampton Farm. There is currently a mobile home providing temporary accommodation for the applicant, Mr Roberts. This accommodation was permitted in application DCNW2000/2574/F. This application seeks consent for a two storey detached dwelling house with detached two bay, cart shed style, garaging. The site is outside, but in close proximity to, an area designated as an Historic Park and Garden.
- 1.2 The application requests a permanent agricultural workers dwelling in support of mixed agricultural activities taking place on land with an approximate area of 73 hectares. The enterprise currently consists of broiler chickens, calf rearing, beef cattle, tack sheep, potatoes, and cereals. The dwelling is principally requested in support of the livestock activities on site.
- 1.3 A previous application, DCNW2004/1518/F, was withdrawn due to issues associated with the scale of the dwelling, and the operations on the farm and need for the permanent property. This application requested a dwelling with a floor area of approximately 265 square metres (excluding detached garaging). This revised application has addressed the need issue and has reduced the dwelling to approximately 206 square metres (excluding detached garaging).

2. Policies

Government Guidance: PPS7

Hereford and Worcester County Structure Plan

CTC9 – Development Criteria
A4 – Development Considerations

Leominster District Local Plan

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

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 - Design
DR2 – Land Use and Activity
H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses

3. Planning History

DCNW2004/1518/F Erection of permanent agricultural workers dwelling
Withdrawn, 9th June 2004

DCNW2000/2574/F Site for mobile home for agricultural worker
Approved, 1st March 2001, permission expired 31st January 2004.

DCNW2000/1152/F Livestock Building
Approved, 9th August 2000 - Erected

DCNW2000/0017/F Poultry House
Approved, 9th August 2000

DCNW2000/0007/O Agricultural workers dwelling
Withdrawn, 31st August 2000 - Erected

DCNW2000/0006/F Livestock building
Withdrawn, 20th January 2000

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency raises no objections

Internal Council Advice

4.2 Head of Engineering and Transportation has no objections to the granting of permission.

5. Representations

5.1 Shobdon Parish Council have no objections to the proposal subject to an agricultural tie.

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

6. Officers Appraisal

Principle of Development

6.1 It is considered that the most appropriate way to consider an application such as this is to first establish the acceptability of the proposal in relation the five areas of consideration specified under Planning Policy Statement 7: Sustainable Development in Rural Areas, Annex I. These are:

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

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

6.3 A temporary dwelling is currently found in situ on the site. It is considered that points one, two and four were effectively considered as part of the temporary permission. A supporting statement has been submitted with this application with all relevant points covered. It is standard practice for a temporary dwelling to be provided where all factors excluding the financial tests have been passed. The interim period allows for this point to be covered, potentially allowing for a permanent dwelling in the future where the long term economic viability can be demonstrated. In this case it is considered that the financial tests have now been met. It is suggested that the principle of an agricultural workers dwelling on this site has been established and can be accepted for the purposes of this application.

6.4 Point 5 will be considered in the section of this report subsequent to this but it is confirmed that the proposed siting is considered acceptable.

Satisfaction in relation to other planning requirements

6.5 The design of this proposal is not considered problematic, the proposal is undoubtedly attractive, however once again the scale is considered to be an issue.

6.6 National and local planning policies require agricultural workers dwelling to be of a commensurate size with the established functional requirement. PPS7 states that:

'It is the requirement of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.'

The need on this holding is for a single dwelling. The scale of this property is an important consideration because the exceptional circumstance in planning policy that allows for dwellings such as this is specific to agricultural/forestry workers. It is therefore important in the long term for these dwellings to be retained for these. Controlling the scale of the properties is fundamental to this. A dwelling of a size such as this would command a significant market value, even with a tie. An excessive

market price, preventing it's occupancy by an agricultural worker is a regular feature of applications seeking the removal of an agricultural workers tie.

6.7 In other respects, specifically residential amenity, landscape impact, and transportation, no objections are raised to this proposal.

RECOMMENDATION

That the application be refused for the following reason:

The proposed dwelling, in view of its overall size, would not be commensurate with the established functional requirements of the holding contrary to Annex 1 of PPS7: The Countryside, adopted Leominster District Local Plan policy A43, and emerging Herefordshire Unitary Development Plan policy H8.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCNW2004/3056/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND EXTERNAL CONCRETE YARD AT BRIDGE FARM, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LD

For: D.J. Morgan, McCartneys, 34 High Street, Kington, Herefordshire, HR5 3BJ

Date Received: 19th August 2004 **Ward: Castle**

Grid Ref: 33371, 51269

Expiry Date: 14th October 2004

Local Member: Councillor J.W. Hope

1. Site Description and Proposal

- 1.1 This application seeks consent for the erection of an extension to an existing agricultural building. The extension will be 22.85 metres long by 13.71 metres wide and will be 7.50 metres high at ridge level, 4.87 metres at eaves. The building is nearly completed and is attached to an existing storage building. The application site is located approximately 300 metres to the south of Almeley village and is situated on the eastern side of the C1080 which runs southwards out of the village towards Kinnersley. The application site is situated at the northern end of the existing farm complex at Bridge Farm. The site lies adjacent to the Almeley Conservation Area and a Listed Building is found to the south west of the application site.

2. Policies

Leominster District Local Plan

Policy A1 - Managing the Districts Assets and Resources

Policy A2(D) - Settlement Hierarchy

Policy A9 - Safeguarding the Rural Landscape

Policy A18 - Listed Buildings and their Settings

Policy A24 - Scale and Character of Development

Herefordshire Unitary Development Plan

Policy S1 – Sustainable Development

Policy S2 – Development Requirements

Policy DR1 - Design

Policy HBA4 – Setting of Listed Buildings

Policy E13 – Agricultural and Forestry Development

3. Planning History

NW2004/2354/F – Extension to steel portal framed barn to house cattle
Approved, 24th August, 2004

NW2004/1815/S – Straw and fodder storage building

Planning Permission Required, 25th June, 2004

NW2002/2123/F – Extension to existing cattle building
Approved, 30th October, 2002

NW2001/1164/F – Erection of steel portal framed hay/straw barn
Approved, 28th June, 2001

NW2000/2576/F – Removal of Condition 2 of planning permission NW1999/2201/F
Approved, 15th November, 2000

NW2000/1984/F – Extension to existing cattle building
Approved, 17th November, 2000

NW1999/2201/F – Extension to general purpose agricultural building
Approved, 21 September, 1989

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection to the granting of planning permission.

4.3 Head of Conservation raised no objections

5. Representations

5.1 Three letters of objection have been received from the following sources:

- J. & C. Pottruff, Elmwood, Almeley
- Mrs. V. Battenti, The Hazels, Almeley
- Mr. Tucker, Spearmarsh House, Almeley

The objections raised can be summarised as follows:

1. Existing supply of buildings
2. Increasingly industrial character of site
3. Traffic implications
4. Need for site visit

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

6. Officers Appraisal

6.1 The extension to this building is located on the periphery of the existing complex and is attached to an existing agricultural storage building. The design is typical of a modern agricultural building and is not considered problematic in itself. The siting of the building

is such the views of the complex are not significantly altered by virtue of this addition, indeed, this addition is not visible from the majority of view points due to the existing screening of the site and the relationship of this building to the existing structures found on site. The building is located away from the Listed Building on site and this building will not prove harmful to its setting. Further it is considered that the character and appearance of the Almeley Conservation Area will be preserved due to the siting of this addition. Additional landscaping is not considered necessary in this instance. It is considered that the transport generating effects of this addition will be minimal and no concerns are raised with regards this issue. The continued expansion of this farm complex is recognised but so to is the evolution of modern farming and the associated accommodation needs.

The proposal falls outside of permitted development rights by virtue of other works Carried out within 90m in the past 2 years.

RECOMMENDATION

That planning permission be granted subject to the following condition:

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

