

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 25th February, 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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AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the minutes of the meeting held on 28th January, 2004.	1 - 48
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	49 - 52
5. HEAD OF PLANNING SERVICES REPORT To consider and take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the northern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	53 - 136
EXCLUSION OF THE PUBLIC AND PRESS	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.	

RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

137 - 138

To note the Council's current position in respect of enforcement action for the northern area of Herefordshire.

This item discloses information relating to :

- **Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in contemplation).
- **Information which, if disclosed to the public, would reveal that the authority proposes:**
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.

Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

7. DATE OF NEXT MEETING

To note that the next Northern Area Planning Sub-Committee will be held on 24th March, 2004 at 2:00 p.m.

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YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

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- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 28th January, 2004 at 2:00 p.m.

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

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

In attendance: Councillor P.J. Edwards

53. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R.B.A. Burke, P.J. Dauncey and Brig. P. Jones.

54. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
B.F. Ashton	Agenda Item 5, Ref. 11 – DCNE2003/3185/F – Erection of tree house at: The Gouldings Old Church Road, Colwall	Declared a prejudicial interest and left the meeting for the duration of this item.
J.H.R. Goodwin	Agenda Item 5, Ref 19 – DCNW2003/2547/F - Conversion of barn into residential unit with workshop at: Upcott, Almeley	Declared a prejudicial interest and left the meeting for the duration of this item.
J.W. Hope	Agenda Item 5, Ref 19 – DCNW2003/2547/F - Conversion of barn into residential unit with workshop at: Upcott, Almeley	Declared a prejudicial interest and left the meeting for the duration of this item.

55. MINUTES

RESOLVED: That the Minutes of the meeting held on 17th December, 2003 be approved as a correct record and signed by the Chairman.

56. ITEM FOR INFORMATION – APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the northern area of Herefordshire.

RESOLVED: That the report be noted.

57. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of planning applications received for the northern area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**58. ITEM FOR INFORMATION - ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters in the northern area of Herefordshire.

RESOLVED: That the report be noted.

(This item disclosed:

- Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority

(whether, in each case, proceedings have been commenced or are in contemplation).

- Information which, if disclosed to the public, would reveal that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)

59. DATE OF NEXT MEETING

It was noted that the next meeting would be held on 25th February. 2004 at 2:00 p.m.

The meeting ended at 5:18 p.m.

CHAIRMAN

Document is Restricted

APPENDIX

Note: Having declared a prejudicial interest in Ref. 19 (Planning application DCNW2003/2547/F), Councillor J.W. Hope vacated the Chair and left the room for the duration of this item, and Councillor J. Stone took the chair. Councillor Hope then resumed the Chair for the remainder of the meeting.

Ref. 1

STOKE PRIOR
DCNC2003/1503/F

Erection of four detached dwellings with garages and private drive at:

LAND ADJACENT TO BELMONT, STOKE PRIOR, LEOMINSTER

For: **Mrs C Shaw per Border Oak, Kingsland Sawmills, Kingsland, Leominster**

The receipt of two further letters was reported, one of which was from Stoke Prior Parish Council, and the other from Councillor Grumbley, the local ward member. Both letters expressed concern that the revised plans – depicting the deletion of garages close to the village hall – had not been forwarded to the Parish Council for consultation. The Senior Planning Officer stated that it had been considered unnecessary to re-consult the Parish Council because the amendments had allayed one of the Parish Council's main concerns, and had not introduced any additional buildings to the scheme.

In accordance with the criteria for public speaking, Mr Lefroy-Owen, of Humber and Stoke Prior Parish Council, and Mr Taylor, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Shaw, the applicant, spoke in support of the proposal.

During the ensuing discussion, some members raised the following concerns:

The proposed density was felt to be too high, and the uneven shape of the site had exacerbated this. Members suggested that the maximum number of dwellings on the site should not exceed three;

A previous outline planning permission had provided details about a pedestrian footway, and the gradient of the site, and these details had not been included in the reserved matters application;

It was felt that the proposed dwellings would be too close to the existing building on the site. There was a possibility of overlooking in respect of Plot 4;

The village hall access had not been taken into account in the application, and it was felt that there would have been merit in addressing this;

Members also questioned whether the drainage was adequate.

The Senior Planning Officer explained that a footpath had not been proposed with this application because it was felt that it would urbanise the area. In

respect of the suggested density, the figures given had complied with the requirements of PPG3, and it was possible that building less than four dwellings on the site would be regarded as an inefficient use of the land. The Transportation Manager had confirmed that the site gradients were acceptable, and the Environment Agency had offered no objection to the proposed drainage. The Chief Development Control Officer stated that there were no grounds for refusal, excepting amenity issues, although members would have to feel that such issues were a fundamental consideration if they favoured refusal.

Having considered all aspects of the application, members felt that there were sufficient grounds to refuse it in terms of the impact it would have on the amenity of the immediate area, and also on the wider village area.

The Principal Lawyer (Planning, Environment and Transport) informed the Sub-Committee of the Council's referral procedure which was followed in instances when members were minded to make a decision against officer advice.

RESOLVED: That

- (i) **The Northern Area Planning Sub-Committee is minded to refuse the application, subject to the reason for refusal listed below (and to any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:**

- 1. It is considered that the proposal is contrary to policy A54 of the adopted Leominster District Local Plan (Herefordshire) in that it would have an adverse impact upon the residential amenity of the occupiers of Belmont. Furthermore, that the erection of dwellings in such close proximity to the village hall would impact adversely upon the operation of the hall to the detriment of the amenity of local residents utilising it.**

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

(NB the application was not referred to the Head of Planning Services, and was therefore refused.)

Ref. 2
HATFIELD
DCNC2003/2101/F

Change of use for the provision of 17 static caravans, waste treatment plant, reception point, new internal access and landscaping at:

FAIRVIEW CARAVAN PARK, HATFIELD, HR6 OSD

For: **Mr & Mrs Morgan per Mr Griffin ADAS, The Patch, Elton Newnham, Gloucester, GL14 1JN**

The Northern Divisional Planning Officer reported that the applicants' agent had advised that the proposed caravans would be coloured olive green. This would therefore become a condition of any planning permission granted.

In accordance with the criteria for public speaking, Mr Griffin, the applicants' agent, spoke in support of the proposal.

Members felt that the application's impact on the surrounding area would be lessened by the proposed colour of the caravans, and that the site appeared to be tidy and well maintained. It was noted that the applicants had addressed many of the parish council's initial concerns. The Sub-Committee was minded to approve the application, and requested that some mature/grown on species of trees be included in the landscaping scheme to facilitate more rapid screening of the site.

RESOLVED: That

- (i) **The Northern Area Planning Sub-Committee is minded to approve the application, subject to the conditions listed below, (and to any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
 - 2. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning authority on 17 October 2003.
Reason: To ensure the development is carried out in accordance with the amended plans.**
 - 3. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall**

be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the caravans hereby permitted.

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

4. No caravan on the site shall be occupied during February in any year.

Reason: To prevent the establishment of a residential use in the countryside where it would not normally be permitted.

5. No external surface of any static caravan hereby approved shall be of a colour other than Olive Green.

Reason: To minimise visual intrusion.

6. The holiday caravans hereby approved shall be used for holiday purposes only, and not become the occupant's sole unit of occupation.

Reason: It would be contrary to policies A2D and A40 of the Leominster District Local Plan to allow anything other than holiday use.

7. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the 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 variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

9. Before the development hereby approved is commenced details of the external materials of the reception point shall be submitted to and approved in writing by the Local Planning Authority.

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

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee the Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.**

(NB the application was not referred to the Head of Planning Services because it was considered that there were no crucial planning policy issues at stake. The application was therefore approved.)

Ref. 3
BRIMFIELD
 DCNC2003/2251/F

Erection of new bungalow in garden of existing bungalow at:

GREYSTONES, WYSON, BRIMFIELD, SY8 4NL

For: **Mr W Tong per Mr Hulse MCI0B 48 Gravel Hill, Ludlow, Shropshire, SY8 1QR**

In response to a question, the Senior Planning Officer confirmed that the applicant had considered using some of the site to provide a waiting area/shelter for the local bus. This had been discounted, however, due to the possible detriment that might be caused to highway safety through cars being enabled to gain speed at that point. The Chief Development Control Officer stated that the applicant's decision not to incorporate this aspect into the planning application was an insufficient ground to refuse it.

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

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

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

- 2 - A09 (Amended plans) (30 October 2003)**

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

Reason: In the interests of highway safety.

5 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

6 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

7 - 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.

8 - H27 (Parking for site operatives)

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

9 - H08 (Access closure)

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

Notes to applicant:

- 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**

□

Ref. 4
KINGSLAND
BDCNW2003/2583/F

Proposed erection of four dwellings at:

LAND TO THE REAR OF STONELEIGH, KINGSLAND, HEREFORDSHIRE.

For: **Mr AM & Mrs J Pugh per Mr P Titley, New Cottage, Upper Common, Eyton, Leominster, Herefordshire, HR6 OAQ**

Some members expressed concern about the access onto the site, particularly because the area was prone to heavy traffic, and this made the exit onto the main road more hazardous. The Northern Divisional Planning Officer said that there would be sufficient visibility at the exit point. He advised that the issue of highway safety had been balanced against the need to conserve the wall at the access point. He added that the safety issues had, out of necessity, outweighed the conservation issues.

Members considered whether the access could be widened by the removal of a stone pillar, which would still enable significant parts of the walls to be retained, and would further improve road safety. It was agreed that further negotiations would take place in respect of removing/relocating the stone pillars.

RESOLVED: That planning permission be granted, in consultation with the Chairman and the local member, subject to the following conditions and to any further conditions considered necessary by officers, and subject to further negotiations in respect of the stone pillars:

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 - 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 - C05 (Details of external joinery finishes)

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

6 - D01 (Site investigation - archaeology)

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

7 - G04 (Landscaping scheme (general))

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

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

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

9 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

10 - H03 (Visibility splays)(insert 2m x 30m)

Reason: In the interests of highway safety.

11 - H05 (Access gates)(insert 5m)

Reason: In the interests of highway safety.

12 - The first section of the new roadway to the rear of Stonleigh shall be not less than 4.5m wide.

Reason: In the interest of highway safety.

13 - Before the development hereby permitted is commenced details of the replacement stone wall and piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

accordance with these plans prior to occupation of any of the dwellings.

Reason: In order to protect the character of the Conservation Area.

Notes to the Applicant:

- 1 - ND03 - Contact Address
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway

Ref. 5
LEOMINSTER
 DCNC2003/2959/F

Use of redundant buildings and yard for sale of architectural salvage and antiques at:

SUMMERGALLS, NORTH ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 0AB

For: **Mr & Mrs R.J. Woods per David Taylor Consultants, The Wheelwright's Shop, Pudleston, Leominster, Herefordshire HR6 0RE**

In accordance with the criteria for public speaking, Mr Taylor, the applicants' agent, spoke in support of the proposal.

Members noted that Condition 4 required amendment to enable the applicant to sell certain items from the premises, such as birdbaths and sundials. It was also noted that the description of the application would need to be re-worded to accommodate this, and approval of the the application would therefore be delegated to officers.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission in consultation with the Chairman and the local members, subject to the following conditions and negotiations/amendments in respect of Condition 4, and the description of the application:

- 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 - **There shall be no open storage of reclaimed building materials.**
Reason: In the interests of the visual amenity.
- 3 - **H15 (Turning and parking: change of use - commercial)(12 cars)**
Reason: To minimise the likelihood of indiscriminate parking in the

interests of highway safety.

- 4 - The use of the site shall be restricted to the sales and storage of reclaimed building materials only and for no other purpose.

Reason: In order to define the permission. The local planning authority would not be prepared to permit unrestricted retail sales in this location.

Note to the applicant:

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan (Herefordshire) set out below, and to all relevant material considerations including Supplementary Planning Guidance:

- A1 Managing The District's Assets And Resources**
A15 Development and Watercourses
A36 New Employment Generating Uses For Rural Buildings

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 6
LINTON
 DCNC2003/3388/F

Erection of 21 apartments (alterations to previous consent NC2000/0051/F) at:

LINTON COURT, LINTON, BROMYARD, HEREFORDSHIRE, HR7 4QJ

For: **Draycott Developments per Mr D Scott, Dudbridge House, Selsley Hill, Stroud, Glos, GL5 5JS**

Slight amendments to Condition 9 of the report were noted.

In accordance with the criteria for public speaking, Mr Hiley, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Robinson, the applicant, spoke in support of the proposal.

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

- 1 - This permission shall expire on 17 February 2005.

Reason: The site is located in an area of open countryside where residential development is contrary to policy and not normally permitted. This permission is granted as an amendment to planning permission NC2000/0051/F.

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

4 - G04 (Landscaping scheme) ('... shall include full details of open space provision, together with an indication of ...')

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

5 - G05 (Implementation of landscaping scheme)

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

6 - Prior to the commencement of the development hereby approved details of the siting and treatment of the drying area, bin storage and cycle storage shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details prior to the first occupation of any of the units hereby approved.

Reason: To ensure a satisfactory and well-planned development in the interest of amenity of the area.

7 - The future maintenance of the open space and landscaping shall be in accordance with a scheme and timetable to be submitted to and agreed in writing with the local planning authority prior to the occupation of any of the units hereby approved.

Reason: In order to ensure the satisfactory maintenance of the site and to protect the visual amenities of the area.

8 - F18 (Scheme of foul drainage disposal)

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

9 - There shall be no discharge of foul or contaminated surface water from the site into either the groundwater system or any surface waters. Foul water should be directed into the main sewerage system.

Reason: To minimise the risk of pollution of rivers and watercourses

and other surface water.

10 - H03 (Visibility splays) (4.5m x 60m) (add 'unless otherwise agreed in writing with the local planning authority')

Reason: In the interests of highway safety.

11 - H05 (Access gates) (5m)

Reason: In the interests of highway safety.

12 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

13 - H08 (Access closure)

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

14 - H12 (Parking and turning - single house) (within the site for 33 cars)

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.

Notes to applicant:

1. N15

Malvern Hills District Plan

Housing Policies 4 & 17

Landscape Policies 1, 3 and 8

Transport Policy 8

Recreation Policies 24, 25 and 26

2 - HN05 - Works within the highway

Ref. 7

CRADLEY

DCNE2003/2423/F

Continued use of landscaped mountain board centre. Retention of cabin for reception, shop, toilet block, hardstanding, camp site and car park at:

WOODEND FARM, BROMYARD ROAD, CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5JW

For: **Mr I Johnson of above address.**

The Principal Planning Officer reported that, following discussions with the applicant, a 12-month planning permission would be granted, and the situation would be monitored. Full planning permission would be dependent on compliance with the conditions.

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

- 1 - **This permission shall expire on 28 January 2005. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease, and the site reinstated.**

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

- 2 - **Notwithstanding the submitted plans no amplified sound or music shall be used at anytime in conjunction with the use of the land unless otherwise agreed by the local planning in accordance with condition number 11.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 3 - **There shall be no floodlighting of the site at anytime.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 4 - **No marquees or tents shall be erected on the land without the express permission of the local planning authority other than on the identified campsite unless otherwise agreed in writing with the local planning authority in accordance with condition number 11.**

Reason: In the interests of the amenities of existing residential property in the locality.

- 5 - Within one month of the date of this permission a traffic route shall be agreed with the local planning authority. Vehicular traffic generated by this use shall be directed to the agreed route which shall be via the Bromyard/Cradley road.

Reason: In the interests of the amenities of existing residential property in the locality.

- 6 - The use hereby permitted shall not be open to customers between the hours of 8 pm and 9 am daily.

Reason: In the interests of the amenities of existing residential property in the locality.

- 7- No equipment, earthworks, hoardings or advertisements shall be erected/constructed on the application site without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to protect the character and appearance of this open countryside location.

- 8 - No materials including soil shall be imported into the site for use in connection with the development hereby permitted.

Reason: In the interests of visual amenity.

- 9 - This permission only relates to the use of 'mountain boards' on the course hereby approved, no motorised sports equipment, with the exception of the lift truck, shall be used on the course at any time.

Reason: In the interests of local amenity.

- 10 - No new 'runs' shall be formed without the express written consent of the local planning authority details of which shall be submitted for approval in writing of the local planning authority.

Reason: In order to clarify the terms of this permission and to protect the amenity of adjoining residents.

- 11 - Only one National Championship event in a 12-month cycle shall be held on the site. Full details of which shall be submitted for approval in writing of the local planning authority a minimum of 3 months prior to the event taking place. These details shall include the length of the event (maximum of 2 days), position of public address/tannoy system, noise levels, time periods, overflow parking, temporary structures, marquees etc.

Reason: In order to protect the amenity of nearby residents.

Note to applicant:

- 1 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

A1 - Development in Agricultural Land
A2 - Diversification
LR1 - Leisure and Recreation Development
LR2 - Leisure and Recreation Development
CTC2 - Areas of Great Landscape Value
CTC9 - Development Requirements

Malvern Hills District Local Plan

Employment Policy 9 - Further Means of Rural Diversification
Landscape Policy 3 - Development in Areas of Great Landscape Value
Landscape Policy 4 - Agricultural Land
Landscape Policy 8 - Landscape Standards
Transport Policy 11 - Traffic Impact
Recreation Policy 3 - Recreation in Other Countryside Areas

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 8
COLWALL
 DCNE2003/2798/F

Erection of ten, three bedroomed dwellings with garages at:

SITE OFF STATION ROAD, COLWALL, MALVERN, HEREFORDSHIRE

For: **Milton Ltd per Mr A H Roper, Dolefield Cottage, Bank Farm, Mathon, West Malvern, WR14 4DX**

The Principal Planning Officer reported that the application had been deferred from the Sub-Committee's meeting held in December, 2003 to discuss issues relating to density. The applicant had preferred to make no further amendments to the application on the basis that it was already compliant with PPG3.

The Sub-Committee noted that the applicant had offered a contribution of £5,000 to enhance play spaces in the village.

In accordance with the criteria for public speaking, Mr Jolly, the applicant's agent, spoke in support of the proposal.

Members took into consideration the fact that the application site was in an Area of Outstanding Natural Beauty, and decided that a site inspection should be conducted using all three criteria in the Code of Conduct for Members and Officers Dealing with Planning Matters.

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

Ref. 9
COLWALL
DCNE2003/3075/F

Garage and bathroom extensions to include two new dormer windows and first floor balustrade at:

**FAIRFIELD, OLD CHURCH ROAD, COLWALL, MALVERN,
HEREFORDSHIRE, WR13 6EZ**

For: **Mr & Mrs S Harford at same address**

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - E06 (Restriction on Use)(Garage use only)

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

4 - B02 (Matching external materials (extension))

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

5 - Following completion of the development the planting shall be completed in accordance with a timetable to be agreed in writing with the local planning authority. The development shall be carried out in accordance with the agreed replacement hedgerow planting details.

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

Note to applicant:

- 1 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan**Policy CTC 7 - Conservation Areas****Policy CTC 9 - Development Requirements****Malvern Hills District Local Plan****Housing Policy 16 - Extensions****Landscape Policy 2 - Areas of Outstanding Natural Beauty****Landscape Policy 3 - Areas of Great Landscape Value****Conservation Policy 1 - Preserving or Enhancing Conservation Areas****Conservation Policy 2 - New Development in Conservation Areas****Conservation Policy 5 - Boundary Treatments in Conservation Areas**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 10
STIFFORDS BRIDGE
 DCNE2003/3181/F

Installation of 21m slim line lattice mast with antennas attached and implementation of two cabinets and ancillary developments at:

LAND ADJACENT TO A4103, STIFFORDS BRIDGE, WORCESTERSHIRE, WR13 5EL

For: **Vodafone Ltd per Daly International, Fairbank House, Ashley Road, Altringham, Cheshire, WA14 2DP**

Receipt of one further letter of objection from J. Prosser was reported. The letter had raised no new concerns.

In accordance with the criteria for public speaking, Mrs Beech, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Paton, the applicant's agent, spoke in support of the proposal.

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 - A08 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

Ref. 11
COLWALL
 DCNE2003/3185/F

Erection of tree house at:

THE GOULDINGS, OLD CHURCH ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6ET

For: **Mr & Mrs D & P Bounds at same address**

The Senior Planning Officer reported that the Council's Tree Officer had requested additional conditions regarding protection of trees.

In accordance with the criteria for public speaking, Mr Nash, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Bounds, the applicant, spoke in support of the proposal.

RESOLVED: That planning permission be granted subject to the following conditions, and to any further conditions considered necessary by officers:

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

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

2 - A09 (Amended plans)(received 17th December 2003 and plans received 21st October 2003)

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

3 - The development shall be constructed in accordance with the Tree Survey provided by Mr John Harris and received by the local planning authority on 17th December 2003. No other trees or hedgerows within the application site shall be removed, felled, lopped, pruned or damaged in any way without the prior written consent of the local planning authority.

Reason: In order to protect the existing trees in the interests of safeguarding the character and visual amenities of the area.

4 - E29 (Use ancillary to existing dwelling only)(tree house)(The Gouldings)

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

5 - F14 (Time restriction on music)

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

6 - The tree works hereby approved shall be carried out in accordance with BS 3998 : 1989.

Reason: To maintain the visual and environmental quality of the site and surrounding area.

7 - Building debris (resultant of demolition), construction materials, and development tools/machinery, in connection with the development, will not be stored, for whatever period of time, within the rooting area of existing trees on site ('rooting area' is defined as the ground beneath the extremity of crown spreads of the relevant trees), without the prior consent in writing of the local planning authority.

Reason: To maintain the visual and environmental quality of the site and surrounding area.

8 - All excavations to be undertaken within 3m of the stems of existing trees on site shall be undertaken in accordance with NJUG Publication Number 10 "Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to trees".

To ensure that existing trees are not damaged through the loss of roots. Which will maintain the visual and environmental quality of the site and surrounding areas.

Note to applicant:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester District Local Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

- CTC1 - Areas of Outstanding Natural Beauty**
- CTC2 - Areas of Great Landscape Value**
- CTC7 - Listed Buildings in Conservation Areas**
- CTC9 - Development Requirements**
- CTC15 - Conservation Areas**

Malvern Hills District Local Plan**Conservation Policy 1 - Preserving or Enhancing Conservation Areas****Conservation Policy 2 - New Development in Conservation Areas****Landscape Policy 2 - Areas of Outstanding Natural Beauty****Landscape Policy 3 - Development in Areas of Great Landscape Value**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 12
LEDBURY
DCNE2003/3344/F

New bungalow and detached garage at:

**THE PRIORY GATEHOUSE, WORCESTER ROAD, LEDBURY,
HEREFORDSHIRE, HR8 1PL**

For: **Mr & Mrs D Studman per Mr B Mills, Henry Mein Partnership, 12
Clarenmon Street, Nottingham,
NG1 5HG**

Members felt that the site should be inspected on all three grounds referred to in the Code of Conduct for Members and Officers Dealing with Planning Matters.

In accordance with the criteria for public speaking, Mr Maldwyn-Evans, an objector, and Mr and Mrs Studman, the applicants were present at the meeting and reserved their right to speak on the application until it came back before the Sub-Committee for consideration.

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

Ref. 13

WELLINGTON HEATH
DCNE2003/3437/F

Application under section 73 to proceed with the development without compliance with condition 15 (planning permission NE2002/2904/O) on site at:

ROSE AND COOMBE COTTAGES, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LR

For: **Mr H Kent per Mr P H Tufnell, Tufnell Town & Country Planning, Waverley Studio, Gloucester Road, Hartpury, Gloucester, GL19 3BG**

Receipt of a further letter of objection from Mrs S. Blundell was reported. Mrs Blundell had disagreed with the officer's appraisal, and felt that the application would result in a significant loss of her privacy.

RESOLVED: That planning permission is granted.

Note to Applicant:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester County Structure Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford and Worcester County Structure Plan

H16a - Housing in Rural Areas

H18 - Housing in Rural Areas Outside the Greenbelt

CTC1 - Areas of Outstanding Natural Beauty

CTC2 - Areas of Great Landscape Value

Malvern Hills District Local Plan

Housing Policy 3 - Settlement Boundaries

Landscape Policy 2 - Areas of Outstanding Natural Beauty

Landscape Policy 3 - Development in Areas of Great Landscape Value

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 14, 15 & 16
WEOBLEY
 NW2003/0703/F,
 NW2003/0704/L and
 NW2003/1984/L

Construction of 11 new dwellings & conversion/extension of mill into 4 apartments &

Demolition of rendered extension at:

THE FORMER D.G. GAMES SITE, THE OLD MILL, WEOBLEY, HEREFORDSHIRE, HR4 8SH

For: **Kingsmead Trust per Mr N La Barre, 38 South Street, Leominster, Herefordshire, HR6 8JG**

The Northern Divisional Planning Officer reported the receipt of letter from Weobley Parish Plan Steering Group, stating that the application was inconsistent with the surrounding area and did not reflect the needs of the local community. The letter also stated that the site was the last remaining central amenity site, and suggested that it would be better used for parking and/or leisure facilities. Furthermore, the letter had referred to a recent newspaper article which had suggested that the sum of £15,000 from the developer for education and open space provision had been construed as an attempt to “buy” planning permission.

Members acknowledged that there were insufficient planning grounds on which to refuse the application, although some members still expressed reservations about the proposed design, feeling that improvements could be made to the proposed density and appearance. Some concern also remained about highway safety. The Northern Divisional Planning Officer stated that any additional highway improvements would require a highways agreement, and that officers had confirmed that this would be unnecessary in this instance.

RESOLVED: That NW2003/0703/F

1. **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to provide:**
 - a) **a financial contribution towards the provision of additional facilities at the local schools (£15,000)**
 - b) **a financial contribution towards the maintenance/enhancement of existing recreational Playspace in the village (£9,400)**
2. **Upon completion of the aforementioned planning obligation 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 - A07 (Development in accordance with approved plans)
(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A and 24 Rev. A)**

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- B05 (Alterations made good)**

Reason: To maintain the appearance of the building.

- 5 - C02 (Approval of details) (detailes of individual porches, details of the treatment of cills and window heads)**

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

- 6- C04 (Details of window and door sections, eaves, verges and barge boards)**

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

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

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

- 8 - C09 (External repointing)**

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

- 9 - 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.

- 10 - C11 (Specification of guttering and downpipes)**

Reason: To safeguard the character and appearance of this building

of special architectural or historical interest.

11 - C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

12 - C19 (Commencement condition)

Reason: In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13 - D01 (Site investigation - archaeology)

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

14 - E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

15 - E16 (Removal of permitted development rights)

Reason: To safeguard the character, appearance and setting of the development and in the interests of local amenity.

16 - E18 (No new windows in specified elevation) (west elevation of Plot 11)

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

17 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

18 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

19 - Development shall not commence until a scheme to deal with the potential contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a full assessment to identify the extent of contamination and the measures to be taken to avoid risk to the buildings/environment. The measures approved in the scheme shall

be fully implemented before the commencement of development.

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

20 - 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.

21 - G01 (Details of boundary treatments)

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

22 - G04 (Landscaping scheme) (hard and soft landscaping including the surfacing of the new access road)

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

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

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

24 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

25 - Prior to the commencement of the conversion/extension of the Mill building, a mitigation strategy in respect of provision for bats and nesting swallows/housemartins together with the timing of building and conversion works shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be fully implemented prior to the completion of the conversion/extension works.

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

26 - The conversion and extension of the listed Mill as approved shall be carried out contiguously with the remainder of the development and shall be completed in accordance with the approved plans and elevations prior to the first occupation of any of the Plots 1-11 as shown on the approved plan.

Reason : To ensure that this important and integral element of the development is undertaken in a timely manner and to safeguard the

character and appearance of the building.

27 - 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.

28 - H21 (Wheel washing)

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

29 - H27 (Parking for site operatives)

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

30 - 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.

31 - Foul and surface water must be drained separately and no surface water shall be allowed to connect to the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Notes to applicant :

- 1 - HN01 - Mud on highway
- 2 - HN05 - Works within the highway
- 3 - HN08 - Section 38 Agreement details
- 4 - HN09 - Drainage details for Section 38
- 5 - HN10 - No drainage to discharge to highway
- 6 - N02 - Section 106 Obligation
- 7 - N13 - Control of demolition - Building Act 1984
- 8 - ND03 - Contact Address
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC

NW2003/0704/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- A07 (Development in accordance with approved plans)
(drawing nos. 02638-19 Rev. B, 20 Rev. B, 21 Rev. B, 22, 23 Rev. A
and 24 Rev. A)

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 - B05 (Alterations made good)

Reason: To maintain the appearance of the building.

- 5- C02 (Approval of details) (detail of individual porches, details of
the treatment of cills and window heads)

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

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

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

- 7- C05 (Details of external joinery finishes)

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

- 8- C09 (External repointing)

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

- 9- 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.

- 10- C11 (Specification of guttering and downpipes)

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

11- C15 (Salvage recording)

Reason: To enable a record to be made of this building of historical and/or architectural interest.

12- C19 (Commencement condition)

Reason: In order to ensure compliance with Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

NW2003/1984/L

That:

- a) The intention to grant Listed Building Consent be notified to the Office of the Deputy Prime Minister
- b) Subject to the Deputy Prime Minister confirming that he does not intend to call it in, 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. C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

Ref. 17 & 18
KINGTON
 DCNW2003/2576/G
 and
 DCNW2003/1916/F

DCNW2003/2576/G - The discharge of the obligation to provide for open space as per section 106 agreement

&

DCNW2003/1916/F - Change of use of play area to domestic garden at:

BLACK BARN CLOSE, KINGTON, HR5 3FB

For: Tabre Developments per John Phipps,
 Bank Lodge, Coldwells Road, Holmer, Hereford

The Sub-Committee noted that the S106 agreement remain in place until the sum of money involved had been allocated. Members felt that it was unclear what status the land involved would have if the obligation was discharged, and emphasised that it would be unsuitable for housing.

The Sub-Committee requested further information before making its decision.

RESOLVED: That consideration of applications DCNW2003/2576/G and DCNW2003/1916/F be deferred for further information about the status of the land.

Ref. 19
ALMELEY
 DCNW2003/2547/F

Conversion of barn into residential unit with workshop at:

UPCOTT, ALMELEY, HEREFORDSHIRE, HR3 6LA

For: Mr M Goodwin per McCartneys, The Ox Pasture, Overton Road,
 Ludlow, Shropshire, SY8 4AA

In accordance with the criteria for public speaking, Mr Cripwell, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Skelton, the applicant's agent, spoke in support of the proposal.

In response to a question, the Northern Divisional Planning Officer confirmed that the relevant planning policies on redundant buildings allowed for the conversion of buildings other than barns. He drew members' attention to Paragraph 6.7 of the report, which covered the integrity of the structure. He explained that the proposal would retain the character of the existing building. He added that the personal circumstances of the applicant were a material consideration in this instance. He also advised that, because the application had not been made on the basis of agricultural need, an agricultural occupancy condition would be unreasonable.

The Northern Divisional Planning Officer reported that the proposed workshop element of the application had now been deleted, and it had been proposed that the area in question now be used for a garage.

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) (drawing nos. 4882 Rev. C and 4882/11 Rev. A)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3- E27 – The dwelling hereby approved shall in the first instance be occupied by Matthew Goodwin.

Reason: In recognition of the personal circumstances of the intended occupant, which were considered to be a material consideration in the determination of the application.
- 4 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.
- 5 - 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.
- 6 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 7 - C06 (External finish of flues)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 8 - E16 (Removal of permitted development rights)

Reason: To preserve the character and setting of the converted building.
- 9 - G01 (Details of boundary treatments) (including repair and maintenance of existing stone boundary walls)

Reason: In the interests of visual amenity and to ensure dwellings

have satisfactory privacy.

- 10 - G04 (Landscaping scheme (general)) (including treatment of hard surfaces)

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

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

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

- 12 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

- 13 - H08 (Access closure) (Prior to the occupation of the building)(vehicular)(into the application site)

Reason: In the interests of residential amenity and to ensure the safe and free flow of traffic using the adjoining track.

- 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.

Ref. 20
AYMESTREY
 DCNW2003/2717/F

Replacement of former Methodist chapel with two bedroom cottage at
METHODIST CHAPEL, BACON LANE, AYMESTREY, HEREFORDSHIRE, HR6 9ST
For: Mrs Willmett per Mundy Construction Services,
 5 Upper Court, Luston, Leominster, HR6 OAP

The Principal Planning Officer reported that the application had been withdrawn.

RESOLVED: That it be noted that the applicant has withdrawn the application.

Ref. 21
KINNERSLEY
DCNW2003/2763/F

Refurbishment of old laundry cottage to residential use with workshop and new garage at:

OLD CASTLE, KINNERSLEY, HEREFORDSHIRE, HR3 6NY

For: **Mr D.H.G Probert per McCartneys, The Ox Pasture, Overton Road, Ludlow, Shropshire, SY8 4AA**

In accordance with the criteria for public speaking, Mr Ellam, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Skelton, the applicant's agent, spoke in support of the proposal.

In response to a question, the Northern Divisional Planning Officer confirmed that the hours referred to in Condition 13 would be 8am to 6pm Monday to Friday, 8am to 1pm on Saturday, and none on Sundays and Bank Holidays.

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) (drawing nos. 4779 Rev. C, 4779/20 F, 4779/31 Rev. B and 4779/32 Rev. A) (including preservation of stable dividers, bread oven, pot gallows and copper *in situ*)

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 - 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 - C05 (Details of external joinery finishes)

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

6 - C06 (External finish of flues)

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

7 - E16 (Removal of permitted development rights)

Reason: To preserve the open character and setting of the converted building.

8 - F17 (Scheme of foul drainage disposal)

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

9 - G01 (Details of boundary treatments)

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

10 - G04 (Landscaping scheme (general))

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

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

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

12 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

13 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

Notes to applicant :

1 - All rights of way should remain at their historic width and suffer no encroachment/obstruction. The applicants should ensure that they hold lawful authority to drive over the registered right of way.

2 - If treated effluent from the foul drainage system discharges to a controlled water source, the Environment Agency would require an application to discharge this effluent under the provision of the Water Resources Act 1991.

- 3 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

A9 Safeguarding The Rural Landscape
A54 Protection Of Residential Amenity
A60 Conversion Of Rural Buildings Outside Settlements To Residential Use
A70 Accommodating Traffic From Development

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 22
KINNERSLEY
 DCNW2003/2770/F

New farm access, existing drive retained for residential use only at:

OLDCASTLE, KINNERSLEY, HEREFORDSHIRE.

For: **Mr D.M.G. Probert per McCartneys, The Ox Pasture, Overton Road, Ludlow, Shropshire, SY8 4AA**

In accordance with the criteria for public speaking, Mr Ellam, an objector, spoke against the proposal.

In accordance with the criteria for public speaking, Mr Skelton, the applicant's agent, spoke in support of the proposal.

The Northern Divisional Planning Officer referred to Paragraph 4.3 of the report, and said that this would be included as a condition on the planning permission.

RESOLVED: That planning permission be granted subject to the following conditions, and to any further conditions considered necessary by officers:

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

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

- 2 - **A07 (Development in accordance with approved plans) (revised drawing no. to be substituted)**

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

3 - G01 (Details of boundary treatments)

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

4 - G04 (Landscaping scheme (general))

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

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

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

6 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

7 - H01 (Single access - not footway) (new entrance, 5 metres)

Reason: In the interests of highway safety.

8 - H03 (Visibility splays) (2.4m)(90m)

Reason: In the interests of highway safety.

9 - H05 (Access gates) (10m)

Reason: In the interests of highway safety.

10 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

11 - Notwithstanding the details relating to the treatment of the footpath as shown on Drawing No. 4779/20 Rev.G, gates shall be installed in substitution for the gates as shown. The details of these gates shall be agreed in writing with the local planning authority and installed prior to the first use of the dwelling hereby permitted and thereafter retained.

Reason: To facilitate the wider and safer use of the public right of way.

Notes to applicant :

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN05 - Works within the highway
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Ref. 23
SHOBDON
 DCNW2003/2856/F

steel framed building to house cattle at:

ZINTEC, DOWN WOOD, SHOBDON, HEREFORDSHIRE, HR6 9NH

For: **Mr C Williams per Mr W Jones, Shufflebottom Ltd, Cross Hands Business Park, Llanelli, Carmarthenshire**

The Northern Divisional Planning Officer reported that the Environment Agency had commenced investigations into unauthorised tipping on the site. In view of this, members agreed to defer the application to enable completion of the investigation.

In accordance with the criteria for public speaking, Mr Sharp, of Shobdon Parish Council, Mr Woods, an objector, and Mr Williams, the applicant were present at the meeting, and reserved their right to speak on the application until it came back before the Sub-Committee for consideration.

RESOLVED: That consideration of the application be deferred to enable the Environment Agency to conduct investigations.

Ref. 24
LOWER YATTON
 DCNW2003/3247/F

Removal of condition nos. 3, 7 and 19 of NW2001/1318/F at:

UNIT 1, DAIRY HOUSE, LOWER YATTON, LEOMINSTER, HEREFORDSHIRE, HR6 9TL

For: **Mr M Perrott, Walford Lodge, Leintwardine.**

Receipt of one further letter from Mr McLeod was reported.

RESOLVED: That conditions 3, 7 and 19 in permission NW2001/1318/F issued on 8 January 2002 be deleted and replaced by the following condition(s):

- 1 - **This permission relates solely to the converted barn known as Unit 1, The Dairy House, Yatton.**

Reason: The remaining building(s) have not been the subject of market testing in accordance with the Council's Supplementary Guidance in respect of The Re-Use and Adaptation of Traditional Rural Buildings.

- 2 - **A10 (Amendment to existing permission)**

Reason: For the avoidance of doubt.

Notes to Applicant

- 1 - **The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations**

including Supplementary Planning Guidance:

2. A60 Conversion Of Rural Buildings Outside Settlements To Residential Use

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 25
PEMBRIDGE
 DCNW2003/3343/F

Two storey extension and conservatory to dwelling and detached garage at:

WESTON VILLA, GORSTY, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9JF

For: **Mr D. Cotterall per Mr S Mitchell, 102 Bath Road, Cheltenham, GL53 7JX**

The Northern Divisional Planning Officer reported that the applicant had submitted amended plans proposing the re-siting of the garage. This had allayed the concerns of the neighbours, who had withdrawn their objections to the garage as a result.

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

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - E08 (Domestic use only of garage)

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

5 - H08 (Access closure)

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

6 - H13 (Access, turning area and parking)

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

7 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

8 - Within three months of the occupation of the dwelling the existing mobile home shall be removed from the site.

Reason: It would be contrary to adopted policy to permit a separate mobile home in this location, and in the interests of preserving the visual amenity of this rural location.

Note to applicant:

1. N15 (Leominster District Local Plan, Policies A54 and A56)

Ref. 26
CRAVEN ARMS
 DCNW2003/3402/F

Retrospective oak framed porch at:
CANDELMAS, KINTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LT
 For: **Mr. J.L. Thomas at above address.**

The Sub-Committee felt that the proposed timber frame should not be painted black, but should be allowed to weather naturally. The proposed Condition 2 was therefore removed from the planning permission.

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

1 - B02 (Matching external materials (extension))

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

Ref. 27
LYONSHALL
 DCNW2003/3420/RM

Site for one dwelling with detached garage at:
LAND ADJOINING LITTLEBROOK COTTAGE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JP
 For: **Mr & Mrs S Williams per Mr A Last, Brookside Cottage, Knapton, Birley, Herefordshire, HR4 8ER**

In accordance with the criteria for public speaking, Mrs Rolls of Lyonshall Parish Council, spoke against the proposal.

The Sub-Committee felt that significant improvements should be made to the proposed siting of the garage, and also expressed concern about the fact that the proposed dwelling occupied almost the entire width of the plot. It was agreed that further negotiations would take place with the applicant to address these points.

RESOLVED: That

(i) **officers named in the Scheme of Delegation to Officers be authorised to grant planning permission in consultation with the Chairman and the local member, subject to the following conditions, and subject to further negotiations in respect of the siting of the garage and the dwelling:**

1 - A07 (Development in accordance with approved plans) (drawing nos. 03431/15 and 03431/16)

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

2 - B01 (Samples of external materials)

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

3 - E18 (No new windows in specified elevation) (north and south elevations)

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

Notes to applicant:

1 - The applicants' attention is specifically drawn to the requirements of Conditions 6 (archaeological evaluation) and 8, 9 and 10 (foul and surface water drainage arrangements).

2 - The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

**A18 Listed Buildings And Their Settings
A24 Scale And Character Of Development
A54 Protection Of Residential Amenity**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

- (ii) if negotiations as set out above are unsuccessful, the application be returned to the Sub-Committee for determination.**

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNE2003/1864/O**

- The appeal was received on 2nd February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D H Quick
- The site is located at Rosemore, Wellington Heath, Ledbury, Herefordshire, HR8 1NB
- The development proposed is Site for two bungalows with garages.
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

Application No. DCNE2003/3278/F

- The appeal was received on 4th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Walker
- The site is located at Timberley, -, Putley, Ledbury, Herefordshire, HR8 2RF
- The development proposed is Change of use from holiday use to dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley on 01432-261956

Application No. DCNE2003/1807/F

- The appeal was received on 5th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Scott-Wilson
- The site is located at Stamps Cottage East, Old Church Road, Colwall, Malvern, Herefordshire, WR13 6EZ
- The development proposed is Extension to provide granny annexe.
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

Application No. DCNE2003/1808/L

- The appeal was received on 5th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Scott-Wilson
- The site is located at Stamps Cottage, Old Church Road, Colwall, Malvern, Herefordshire, WR13 6EZ
- The development proposed is Extension to provide granny annex
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

Application No. DCNE2003/2938/F

- The appeal was received on 10th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr R White
- The site is located at Prancing Pony P.H., Stiffords Bridge, Cradley, Malvern, Herefordshire, WR13 5NN
- The development proposed is Change of use for the intermittent parking of 3 heavy goods vehicles associated with the operation of haulage business
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432-261795

APPEALS DETERMINED

Application No. NE2003/0664/O

- The appeal was received on 9th October 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr D H Quick
- The site is located at Rosemore, Wellington Heath, Ledbury, Herefordshire, HR8 1NB
- The application, dated 3rd March 2003, was refused on 6th June 2003
- The development proposed was Single dwelling with garage and new access from Ledbury Road
- The main issue is the effect of the proposed development on the character and appearance of the surrounding area, and on the natural beauty and character of the landscape within the Malvern Hills Area of Outstanding Natural Beauty and a designated Area of Great Landscape Value.

Decision: The appeal was ALLOWED and planning permission granted on 21st January 2004 subject to various conditions

Case Officer: Russell Pryce on 01432-261795

Application No. DCNW2003/2276/O

- The appeal was received on 23rd October 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr J W Burns
- The site is located at Site adj. to Firtree House, Holmesmarsh, Lyonshall, Kington, Herefordshire, HR5 3JS
- The application, dated 28th July 2003, was refused on 12th September 2003
- The development proposed was Demolition of existing building and replace with a new three bed dwelling
- The main issue is the effect of the development on the character and appearance of the locality

Decision: The appeal was **ALLOWED and planning permission granted** on 11th February 2004 subject to 7 conditions relating to approval of reserved matters, commencement condition, drainage, measures to deal with contamination of land

Case Officer: Simon Withers on 01432-261781

Application No. NW2003/1314/J

- The appeal was received on 14th July 2003
- The appeal was made under the County of Herefordshire, Wigmore Village, Tree Preservation Order and section 78 of the Town & Country Planning Act, 1990.
- The appeal was brought by Mr F E Kenny
- The tree is located at Castle Way, Wigmore, Herefordshire HR5 9UD
- The application to do works to a tree covered by a TPO dated 6th May 2003 was refused on 17th June 2003
- The Certificate under Article 5 of the Tree Preservation Order was issued on 6th June 2003
- The works proposed were to fell the tree
- The main issues were whether the condition of the tree was such that it would fail in anyway and if the tree was of "Special Amenity Value"

Decision: The appeal against the refusal to fell was **DISMISSED**. The appeal against the service of Article 5 Certificate was **ALLOWED**.

Case Officer: Bill Bloxsome on 01432 261783

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

25 FEBRUARY 2004

SITE INSPECTIONS

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
1.	Miton Ltd	Erection of ten, three bedroomed dwellings with garages at Site off Station Road, Colwall, Malvern, Herefordshire	DCNE2003/2798/F	55 – 62
2	Mr & Mrs D Studman	New Bungalow & detached garage at The Prioory Gatehouse, Worcester Road, Ledbury, Herefordshire	DCNE2003/3344/F	63 – 70

APPLICATIONS RECEIVED

NO	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
3	Mr C Williams	Steel framed building to house cattle at Zintec, Down Wood, Shobdon Herefordshire HR6 9NH	DCNW2003/2856/F	71 – 76
4	K.J. Watkins & Sons	Site For Proposed Storage, Office, Toilets Building At Part O.S.7900, Paytoe Lane, Leintwardine.	DCNW2003/2846/O	77 – 88
5	Tabre Developments	Erection of three cottages on Land off Kingswood Road, Kington, Herefordshire	DCNW2003/3732/F	89 – 96
6	Somerfield Stores	Removal of condition 6 of planning permission MH92/1564 Somerfield Stores Ltd, New Street, Ledbury, Herefordshire, HR8 2EZ	DCNE2003/3338/F	96 – 100
7	European Aviation Ltd.	Retention of Warehouse Building at Parkway Garage, Parkway, Ledbury, Herefordshire, HR8 2JD	DCNE2003/3673/F	101 – 106
8	Mr & Mrs D & E Hallam	Demolition of existing bungalow, replacement with new bungalow garage & carport at Sunset View, Crescent Road, Colwall, Malvern, Herefordshire, WR13 6QW	DCNE2003/3843/F	107 – 112

9	Ms K Kawczynski	Upgrade an access track to a stone surface at the Tack Farm, Ullingswick, Herefordshire, HR1 3JQ	DCNC2003/3755/F	113 – 124
10	Mr M Cockayne	Refurbishment & extension to existing convenience store at Hatton Park Stores, Hatton Park, Bromyard, Herefordshire	DCNC2003/3805/F	125 – 128
11	Mr S Bengree	Construction of two detached cottages at Plot 4, Land to the rear of The Balance Inn, Luston, Leominster	DCNC2003/3817/F	129 – 132
12	Mr T Acar	Change Of Use Of Existing Shop To Hot Food Take-Away Pizza/Kebab Restaurant And New Rendered Enclosure For Extract Duct at 3 Cruxwell Street, Bromyard, Herefordshire	DCNC2004/0014/F	133 - 136

1. DCNE2003/2798/F - ERECTION OF TEN, THREE BEDROOMED DWELLINGS WITH GARAGES AT SITE OFF STATION ROAD, COLWALL, MALVERN, HEREFORDSHIRE

For: Miton Ltd per Mr A H Roper, Dolefield Cottage, Bank Farm, Mathon, West Malvern. WR14 4DX

Date Received:
16th September 2003

Ward:
Hope End

Grid Ref:
75590, 42436

Expiry Date:
11th November 2003

Local Members: Councillor R Stockton & Councillor R Mills

Introduction

This application was deferred at the last meeting as Members were concerned that the density was too high. The applicant was informed and has submitted the following letter:

“The scheme as submitted is within the settlement boundary of Colwall on a site with previous residential use, and complies with the requirements of PPG3 with respect to both density of housing and its siting adjacent to the Colwall station with rail links to Hereford and Worcester and beyond.

We therefore see no reason why the present scheme should be altered or compromised and request the Committee to determine the application on 28th January 2004.”

The previous report which has been updated follows.

ORIGINAL REPORT OF 17TH DECEMBER 2003

1. Site Description and Proposal

- 1.1 This 0.32 hectare site is located to the rear of the former Lockyears Garage site, now developed with 12 flats (The Orchards) near the railway station in Colwall. The site presently contains two empty bungalows and overgrown gardens. Station Road forms the northern boundary with the Ledbury to Malvern railway line on the eastern boundary, the flats development on the western boundary and mature gardens on the southern boundary.
- 1.2 The proposal is to demolish the two bungalows and replace with ten three-bedroom, two-storey dwellings. Access is proposed off Station Road. The dwellings would have a mixture of hipped and gabled roofs all with attached garages and additional car-parking spaces.
- 1.3 External materials proposed are brick under a slate roof.

2. Policies

PPG1 – General Policy and Principles

PPG3 – Housing

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

PPG13 – Transport

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas

CTC1 – Areas of Outstanding Natural Beauty

CTC5 – Archaeology

CTC9 – Development Requirements

CTC11 – Trees and Woodlands

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries

Housing Policy 17 – Residential Standards

Housing Policy 18 – Tandem and Backland Development

Landscape Policy 2 – Areas of Outstanding Natural Beauty

Landscape Policy 8 – Landscape Standards

Transport Policy 11 – Traffic Impact

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H4 – Main Village: Settlement Boundaries

Policy LA1 – Area of Outstanding Natural Beauty

Colwall Village Design Statement

3. Planning History

MH78/1147 - Renewal of permission for mobile home - Planning permission granted 6.7.1978.

NE2000/1885/F - Site for 6 residential dwellings with garages - Approved 4.10.2000.

NE2001/2061/F - Erection of 5 detached dwellings with garage - Approved 19 October 2001.

Adjacent site:

NE99/0041/N - Erection of 12 flats with integral garaging - Planning permission granted 27.5.1999.

N98/0347/N - Erection of 13 flat units and garages - Refused 9.12.1998.

MH95/903 - 2 1/2 storey sheltered flats development (20 units) - Refused 13.2.1996 - Appeal allowed 7.8.1996.

MH89/0567 - Sheltered housing comprising 22 flats and associated communal facilities
- Withdrawn.

MH89/129 - Demolition of existing garage and living accommodation and erection of 6 dwellings and 6 double garages - Refused 16.10.89 - Appeal allowed 7.6.1990.

4. Consultation Summary

Statutory Consultations

4.1 The Malvern Hills Area of Natural Beauty Partnership comment as follows:

- 1) We would like to support in general the position taken by Colwall Parish Council. These points are all of critical importance to the life of the village.
- 2) However, if the Council is minded to grant the application at this density, particularly if the cost of units to purchasers will wholly or in part lie within the 'social housing' range (buy-to-let, rent, part-purchase) then the constraints below are recommended.
- 3) The Council will be fully aware that
 - (i) the site lies at the centre of the AONB's central settlement and is therefore particularly sensitive.
 - (ii) the site is immediately adjacent to the Railway Station, Colwall's principal public transport gateway. Of the 4 stations serving visitors to the Hills and AONB land, to the west this station provides by far the best possible 'green' access as well as to support facilities within the settlement
 - (iii) the pressure to spoil views into and out of the settlement remains high and, as the V.D.S. points out, requires constant vigilance. The Partners are particularly alert to the threats to the view down from the Hills. The steady growth of developments to the East and North of the Hills makes development control to the West critically important.

4) Recommended conditions

- i) the applicants have already gone some way to anticipate the concerns of ourselves and the villager and we have only the following points to stress. Local (very) distinctiveness considerations require that
 - a) Roof materials should vary between slate and clay
 - b) Facing bricks (all elevations) should reflect the colour and finish of the Colwall Park Hotel and particularly the smaller units behind it, and those of 'The Orchards'
 - c) Avoiding pastiche, some detailing, varying between properties should also quietly endorse the black, white and red 'look' of these predominantly Edwardian properties
 - d) There should be further planting of Scotch Pine to the North and East of the site to break up the visual impact of the site as seen from the Hills, the railway bridge and the field paths leading up towards Jubilee Drive

Internal Council Advice

- 4.2 Chief Conservation Officer recommends the standard archaeological condition to oversee the development.
- 4.3 Head of Engineering and Planning recommends conditions and confirms that there is no impact on the adjoining public footpath CW40.

5. Representations

- 5.1 Colwall Parish Council object to this application and comment as follows: "The proposed development on the site is too dense with reference to the unsuitability of the access road as there are serious concerns with regard to road safety. These concerns relate to the pedestrian access to the railway station, vehicle access to the railway station car park and the additional traffic movement into an existing 'high risk' junction/area at Water/Sewerage/School and Doctors Surgery.

Section 8.8 of the Village Design Statement refers to the fact that any further development in this area would generate the need for a traffic impact survey. In addition the Design Statement (Page 13) refers to the following pattern of development guidelines:

Any development whether it be a new property, extension, or addition to an existing building should:

- Allow sufficient space to be able to retain the open green effect characteristic in the village and avoid overcrowding.
- Protect the distinctive views into and out of the village which are afforded by existing open spaces.
- Provide adequate roadside grass verges to building frontages to maintain the spatial environment.
- Ensure that landscaping proposals use species characteristic of the village and to a design that is compatible with its surroundings.

In the case of new developments, new open spaces should be created so that these developments can be part of the existing settlement pattern and linked to the open countryside, thus integrating the buildings with their agricultural surroundings".

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

- 1 - The density is too high.
- 2 - Increased traffic movements with no footpath along Station Road.
- 3 - Increased noise.
- 4 - Views of the Malverns would be obscured.
- 5 - Impact on amenity of adjoining residents.
- 6 - The development will not blend in with the existing built environment.

5.2 Two letters of support have been received.

- 1 - Supports development but wants assurances that boundaries to the site could be protected and enhanced to prevent trespass.
- 2 - These style and size of houses are needed in Colwall.
- 3 - They would not be detrimental to the village.

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 In considering this planning application the main points are the density of the development, access, impact on nearby residents and design.

6.2 The site has an extant planning permission for 6 dwellings of similar design and the additional 4 dwellings bring the density up to 31 dwellings per hectare, which sits at the lower end of the density criteria stated in PPG3. Furthermore its location near to Colwall Station complies with the requirements of PPG3 to locate developments around good quality transparent corridors.

6.3 Access on the original scheme was through the adjoining flats development. However, the developer has now obtained permission to access onto Station Road, which although not having a footpath has a suitable width to accommodate the increase in traffic and pedestrian usage from the station.

6.4 Impact on amenity will be reduced by the retention of boundary treatments and new planting.

6.5 The designs of the dwellings are similar to recent developments in Colwall in window proportions, use of different roof treatments and insertion of chimneys. This will create a variety of rooflines as identified by the Colwall Village Design Statement.

6.6 The development does not meet the threshold for provision of recreation open space. Furthermore concerns relating to retaining open spaces within Colwall are not considered in this instance to outweigh the development of this site, which has an extant permission for 6 dwellings and is located within the heart of the village adjacent to a main transport link, Colwall Railway Station.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - D03 (Site observation - archaeology)

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

[Note ND3 should be used in conjunction with this condition].

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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 - G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

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

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

9 - G11 (Retention of hedgerows (where not covered by Hedgerow Regulations))

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

10 - The rear elevations of Plots 3 - 7 included shall have triple glazing installed and retained for that use in perpetuity.

Reason: In order to protect the amenity of the occupants.

11 - H03 (Visibility splays)

Reason: In the interests of highway safety.

12 - H13 (Access, turning area and parking)

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

13 - H27 (Parking for site operatives)

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

Informative:

1 - N15 (Reason for Grant of PP/LBC/CC)

Hereford and Worcester County Structure Plan

- H16A - Housing in Rural Areas**
- H18 - Housing in Rural Areas**
- CTC1 - Areas of Outstanding Natural Beauty**
- CTC5 - Archaeology**
- CTC9 - Development Requirements**
- CTC11 - Trees and Woodlands**

Malvern Hills District Local Plan

- Housing Policy 3 - Settlement Boundaries**
- Housing Policy 17 - Residential Standards**
- Housing Policy 18 - Tandem and Backland Development**
- Landscape Policy 2 - Areas of Outstanding Natural Beauty**
- Landscape Policy 8 - Landscape Standards**
- Transport Policy 11 - Traffic Impact**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2. DCNE2003/3344/F - NEW BUNGALOW AND DETACHED GARAGE AT THE PRIORY GATEHOUSE, WORCESTER ROAD, LEDBURY, HEREFORDSHIRE**For: Mr & Mrs D Studman per Mr B Mills, Henry Mein Partnership, 12 Clarenmon Street, Nottingham, NG1 5HG****Date Received:
6th November 2003****Ward:
Ledbury****Grid Ref:
71244, 37631****Expiry Date:
1st January 2004**

Local Members: Councillor P Harling
Councillor B Ashton
Councillor D Rule MBE

This application was deferred at the Northern Area Planning Sub-Committee meeting on 29th January 2004 to enable a site visit to be undertaken. This report has been updated.

1. Site Description and Proposal

- 1.1 The site is located to the northern side of the A449 known as Worcester Road within Ledbury. The application site is an elongated strip of land running in a north-south direction which currently forms part of the applicant's garden. Access is gained via an existing access off Worcester Road which also serves a number of other properties including The Priory which is converted to a number of flats and Eastnor House development which permission was approved last year for conversion to a number of residential units. Immediately east of the site is The Rectory which is a relatively modern dwelling, to the west is The Priory, south is the applicant's existing property and to the north is St. Michael and All Angels Church which is Grade I listed and Abbots Lodge which is also a listed building. Both within and surrounding the site are a number of mature and semi-mature trees and shrubs. Ground levels fall gently from east to west.
- 1.2 The site lies within the Settlement Boundary for Ledbury and also falls within Ledbury Conservation Area as identified in the Malvern Hills District Local Plan. Land immediately north and east of the site is designated as an Area of Great Landscape Value and the vehicular access to the site is also designated as a public right of way.
- 1.3 The applicant's propose the construction of a two-bedroomed detached bungalow along with a detached single car garage on the application site. The existing access serving the applicant's property is to be utilised with a new driveway being created to serve the proposed bungalow.

1.4 The plans have been amended from that which was originally submitted as follows:

- Reduction in the length of the bungalow by 4 metres
- Repositioning of the bungalow a further 5 metres southwards within the site
- Reduction in the amount of glazing on the eastern elevation
- Removal of the car port
- Amendments to the design

2. Policies

PPG15 – Planning and the Historic Environment

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas Outside the Greenbelt

CTC7 – Landscape Features

CTC9 – Development Requirements

CTC15 – Conservation Areas

CTC18 – Development in Urban Areas

Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns

Housing Policy 3 – Settlement Boundaries

Housing 18 – Tandem and Backland Development

Conservation Policy 2 – New Development in Conservation Areas

Conservation Policy 11 – Setting of Listed Buildings

Conservation Policy 17 – Development within Archaeologically Sensitive Areas

Landscape Policy 8 - Landscape Standards

Herefordshire Unitary Development Plan (Deposit Draft)

S3 – Housing

H1 – Hereford and the Market Towns Settlement Boundaries and Established Residential Areas

H13 – Sustainable Residential Design

H16 – Car parking

S6 – Transport

T6 – Walking

T11 – Parking Provision

LA5 – Protection of Trees, Woodlands and Hedgerows

HBA4 – Setting of Listed Building

HBA6 – New Development within Conservation Area

HBA9 – Protection of Open Spaces and Green Spaces

3. Planning History

NE1999/1781/F - Erect a garden shed and summer house with veranda - Approved 2 August 1999

MH1423/80 - Conversion of existing garage block to form dwelling - Approved 4 August 1980

4. Consultation Summary

Statutory Consultations

- 4.1 Forestry Commission - The application is within 500 metres of ancient semi-natural woodland. However, the scale of the proposal is such that there will be no effect on the woodland and consequently we have no comment to make on this occasion.
- 4.2 Welsh Water – no objection.

Internal Consultation Advice

- 4.3 Head of Engineering and Transportation recommends a condition relating to the surfacing of the vehicular access drive and parking area and comments as follows:

“The site proposes to use the existing access to The Priory development which provides an adequate junction with the Worcester Road. The use of the access and its proximity to the traffic lights was considered by a Transportation Manager on the onset of The Priory development and deemed satisfactory”.

- 4.4 Public Rights of Way Manager states: The proposed development would not appear to affect the public footpath ZB21.
- 4.5 County Archaeologist state: The site is within the Recorded Medieval Settlement of Ledbury close to the former Bishops Palace site and is archaeologically sensitive. I recommend a standard condition requiring an archaeological survey to be undertaken prior to work commencing.
- 4.6 Chief Conservation Officer – There are no objections in principle to the erection of a bungalow on this site but the siting and scale of any development will be fundamental to the acceptability of the proposals. The development will have greatest impact when viewed from the churchyard to the north. The area currently has a relatively open aspect with views across mature gardens and dwellings beyond creating a high quality environment. There are concerns that the bungalow impinges upon these views .

5. Representations

- 5.1 Ledbury Town Council – recommend refusal for the following reasons:

1. Overdevelopment of the site.
2. Inappropriate development in a Conservation Area/Historical Site.
3. Dangerous access and egress.

- 5.2 12 letters of objection have been received from:

Ledbury and District Trust Limited
David Tombs, Abbots Lodge, Church Lane, Ledbury.
Mrs Helen Davies, 29 Viking Way, Ledbury.
Mrs Jessie Kennedy, Flat 1, The Priory, Ledbury
Miriam Maldwyn Evans, The Priory, Ledbury
Mr and Mrs Stone, Chairman of Ledbury and District Group of CPRE
Mr Philip Burford of Hook Mason Architects on behalf of the Diocese of Hereford
Mrs A Molloy, Derry Cottage, Dogmersfield, Hook

Gails Simmons, Apartment 3, The Priory, Ledbury
Mr P and Mrs S Brazil, Eastnor House, Ledbury
Mr J and Mrs S Shackleton, 2 The Priory, Ledbury
WH Masefield, The Knapp, Ledbury

The main points raised are:

1. The site lies within the Conservation Area, is adjacent to the parish church and is surrounded by listed buildings. Whilst we are aware that infil sites provide the only permitted form of development in the town at present, this policy should not be used as an excuse for unsympathetic and intrusive buildings leading to the loss of green open spaces as provided by the current gardens.
 2. The dwelling is to be 'shoe-horned' into the site with little amenity space or room to move around outside and will be entirely out of character with the surroundings and lead to a very cramped development.
 3. The development may lead to damage or loss of attractive trees along the boundaries of the site or pressure for their removal in the future.
 4. My living room windows will be directly overlooked and my privacy invaded.
 5. Approval of this development could lead to further applications for housing in this very beautiful and historical heart of the town.
 6. The plan is inaccurate as it identifies three outbuildings within The Priory where as only one exists.
 7. When the Eastnor House development is completed, there will be over thirty cars using this difficult and dangerous access which is not wide enough for two vehicles to pass one another, a further bungalow will exacerbate the existing problems.
 8. The position of the traffic lights puts all vehicles arriving or departing the site at considerable risk and pedestrians using the adjoining footpath at danger.
 9. The development will be detrimental to the designation of the area as a Conservation Area.
 10. The applicants do not own the driveway serving the application site.
 11. The access is so dangerous that I am seriously considering whether I will ever exit the site in a vehicle again.
 12. The development will affect views from and devalue nearby properties
 13. If permission is approved, high quality materials should be used to ensure the end result blends in with its surroundings and the applicants should utilise some of their land to widen the existing access.
- 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 applicant's propose the construction of a two-bedroom detached bungalow with ground floor accommodation only on the strip of garden associated with their existing property known as The Priory Gatehouse. As detailed in part 1 of the report, the plans have been amended to address concerns by officers and objectors. However, the objections lodged remain relevant to the revised proposal. The principle of constructing residential development on the land in question is acceptable, as it constitutes backland development within an urban area. The relevant considerations in assessing the acceptability of the proposal can be surmised as follows:

6.2 Impact on the Conservation Area and nearby listed buildings.

The Chief Conservation Officer is satisfied with the principle of constructing a bungalow on the site in question. The impact within the Conservation Area is minimised through the proposal being single storey and relatively low in height to the ridge (5.5 metres). Furthermore, the bungalow is to be excavated into the rising ground to further reduce its visual impact within the site. High quality materials are proposed, namely clay tile roof with brick walls, which will be in keeping with nearby properties such as The Priory. The bungalow has an elongated form due to the physical dimensions of the site but the design also mimics the applicant's existing property in terms of its form and appearance. The two gable protrusions assist in breaking up the mass of the bungalow whilst adding interest to the design and appearance.

Due to its narrow width it is inevitable that any development on site will have to be built reasonably close to the boundary but the scale is not considered to be excessively large and is generally commensurate with the size of the plot. This is particularly the case now that the bungalow has been reduced in length by 4 metres. No trees are to be removed to construct the bungalow and trees will be protected from removal in the future by Conservation Area legislation.

The Conservation Officer is concerned that the proposal will interrupt the views from St Michaels Churchyard and remove the open aspect, which currently exists. Your officers are satisfied that the bungalow will generally not detract from the setting of Abbots Lodge or St Michaels Church to an unacceptable degree. Furthermore, existing mature trees in the north-eastern corner of the site will assist in screening the development from the church itself and the churchyard. Nevertheless, the applicants have agreed to move the bungalow southwards so as it is a further 5 metres away from the northern boundary with the churchyard in order to address the Conservation Officers concerns and retain open and uninterrupted aspect across the site and adjoining land from the churchyard.

6.3 Vehicular Access

The Transportation Manager is satisfied that the access is of a sufficient standard to accommodate the additional traffic associated with the proposed bungalow. The access drive and parking areas within the site are also to the satisfaction of The Transportation Manager in terms of the parking provision and vehicle manoeuvring/turning area.

6.4 **Impact upon the amenity and surrounding neighbours**

The bungalow has been designed so as to minimise the impact on surrounding properties and particularly the occupants of The Rectory and The Priory immediately east and west of the site. The siting of the development does not intrude into the outlook from The Rectory, which is orientated in a south-westerly direction. Furthermore, The Rectory is at a higher level than the proposed bungalow and therefore any outlook will largely be above the roof of the bungalow. All windows on the eastern elevation are also to be obscure glazed to secure privacy for the occupants of the bungalow. Windows are proposed serving the kitchen on the western elevation with outlook towards The Priory. However, the nearest part of the bungalow will be around 27 metres from The Priory itself, which is considered sufficient distances to retain privacy for both properties. The positions of the windows on the western elevation are such that the outlook is obscured by existing shrubs and vegetation further minimising any direct overlooking of The Priory or its garden. The applicant's existing property will also retain sufficient land to provide adequate garden, parking and vehicle manoeuvring area. There is also sufficient distance between the proposed access drive and the existing property so as not to adversely affect the amenity through additional vehicle movements particularly as their existing property is immediately adjacent to Worcester Road.

- 6.5 Whilst the development will lead to the loss of an area, which is currently open garden the development will satisfactorily preserve the character and appearance of the Conservation Area. The development is therefore considered acceptable in accordance with relevant Development Plan Policies and Government Guidance contained within Planning Policy Guidance Note 15 in particular.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: In order to bring any future development under the control of the local planning authority in the interests of safeguarding the character and appearance of the area.

- 4 - D01 (Site investigation - archaeology)**

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

5 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

6 - H13 (Access, turning area and parking)

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

7 - E18 (No new windows in specified elevation)

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

8 - E19 (Obscure glazing to windows)

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

9 - F18 (Scheme of foul drainage disposal)

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

Informative:

1 - N15 (Reason for grant of PP/LBC/CAC)

Hereford and Worcester County Structure Plan

- H16A - Housing in Rural Areas
- H18 - Housing in Rural Areas Outside the Greenbelt
- CTC7 - Landscape Features
- CTC9 - Development Requirements
- CTC15 - Conservation Areas
- CTC18 - Development in Urban Areas

Malvern Hills District Local Plan

- Housing Policy 2 - Development in Main Towns
- Housing Policy 3 - Settlement Boundaries
- Housing 18 - Tandem and Backland Development
- Conservation Policy 2 - New Development in Conservation Areas
- Conservation Policy 11 - Setting of Listed Buildings
- Conservation Policy 17 - Development within Archaeologically Sensitive Areas
- Landscape Policy 8 - Landscape Standards

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

3. DCNW2003/2856/F - STEEL FRAMED BUILDING TO HOUSE CATTLE AT ZINTEC, DOWN WOOD, SHOBDON HEREFORDSHIRE HR6 9NH

For: Mr C Williams per Mr W Jones, Shufflebottom Ltd, Cross Hands Business Park, Llanelli, Carm. s.

Date Received:
19th September 2003

Ward:
Pembridge &
Lyonshall with
Titley

Grid Ref:
38966, 62564

Expiry Date:
14th November
2003

Local Member: Councillor R Phillips

This proposal was reported to the 28 January meeting where it was deferred to allow the Environment Agency further time to investigate alleged unauthorised tipping. Due to unforeseen circumstances they have been unable to conclude that investigation prior to preparation of this update.

Further discussion has taken place with the Environment Agency, as a result of which the recommendation has been amended to one seeking delegated powers to approve the application, if still appropriate, following conclusion of their investigation.

1. Site Description and Proposal

- 1.1 The application site lies to the west of the existing industrial building at Zintec, off the B4362 road just to west of Shobdon. It lies adjacent to the registered historic parkland of Shobdon Court, which is also a special wildlife site and within an Area of Great Landscape Value.
- 1.2 In addition to the industrial building of Zintec there are a cluster of dwellings and other buildings in the vicinity and the site is overlooked by the properties at Downwood Farm.
- 1.3 The proposal is for the erection of a cattle building measuring 18 metres by 8.9 metres with a ridge height of approximately 5.9 metres. The building is to be sited in an area which was formally wooded but has recently been cleared and subject of land filling.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape

Policy A11 – Parks, Gardens and other Historical Landscape Features

Hereford and Worcester County Structure Plan

Policy A3 – Agricultural Buildings

Policy CTC2 – Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA4 – Protection of Historic Parks and Gardens

Policy E13 – Agriculture and Forestry Development

Policy LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

No planning history on this site.

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency has no objection to original consultation. No representations received so far in response to land filling.
- 4.2 Garden History Society, Historic Gardens Trust and Herefordshire Nature Trust – no response.
- 4.3 The Forestry Commission. In response to complaints with regard to unauthorised felling of the woodland on the site the Forestry Commission advise that they will not be able to carry out any successful prosecution due to several factors including determining accurate tree volume and two sites being filled where the owner could have claimed an exemption under the Forestry Act at this site. We would hope that if the Council grant planning permission a suitable tree landscaping plan would be incorporated to provide restoration of the land.

Internal Council Advice

- 4.4 The Chief Conservation Officer advises that there is no adverse impact upon historic park adjacent to the site, however a new building will be prominent in the landscape from the minor road and public rights of way and woodland planting is required.
- 4.5 The Head of Engineering and Transportation has no objection.
- 4.6 The Head of Environmental Health and Trading Standards has no objection.

5. Representations

- 5.1 In support of the application and in response to complaints about unauthorised tipping and felling the applicant's agent advises that the area in question was an area of bog land with a large dip in the centre. It is this dip that had to be filled in order to level the site, the area has been filled with soil and earth and at no point has any waste material or other polluting matter been used to fill the site. As the levelling of the site was done with earth and soil it was assumed that no permission or approval would be required.

As regard the clearance of trees, for some years before the applicant had an interest in the site. A Christmas tree plantation had been on the site. By the time the applicant became involved in the land the trees were nearly all gone and those remaining were dying and diseased which is why he removed them. The rest of the site was covered scrub, which has also been cleared.

Up to 8 head of cattle may be housed at the site mainly over winter months. The applicant is in the process of providing 3 acres of grazing land, which is being seeded in January. Obviously 3 acres does not provide sufficient grazing land for 8 head of cattle for any sustained period of time but the applicant has access to a further 20 acres of grazing land on another site, which is to be used in rotation with the land being developed. The applicant also advises that it will carry out substantial replanting of trees amongst those already existing on the site.

- 5.2 Shobdon Parish Council support the proposed development with the proviso that suitable screening be planted.
- 5.3 Three letters of objection and a number of photographs of the site prior to filling and felling have been received from:

Mrs F M Symonds, Downwood Cottage
Karen & Ashley Robinson, Downwood Farm
L A & S H Rowe, The Homestead, Downwood Farm

The points made are summarised as follows:

- a) The site does not amount to 8.1 hectares as set out on the application form but approximately 0.9.
 - b) The land is not improved pasture but bare ground resulting from land filling.
 - c) Until recently the site was mixed woodland, interspersed, with pools providing wildlife habitat and effective natural screening both visually and acoustically. Felling of the woodland, which began around early 2002, was done without regard to wildlife and destroyed flora and habitat. It included the felling of a very large ancient Yew.
 - d) Land filling included vary of substantial amounts of rubbish, destroying pool and wetland habitat and displacing standing water to the north and west onto neighbourhood property.
 - e) The building is far greater than required for any cattle that could be accommodated on the site even if it is turned into improved pasture.
 - f) Large numbers of cattle would create an unacceptable noise and smell to neighbouring properties.
 - g) The soak away system for dealing with the drainage from cattle is rather optimistic.
- 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 Consideration of the application has been delayed whilst allegations of unauthorised tipping and felling had taken place. The response of the Forestry Commission is set out in the Consultation Summary above.
- 6.2 In the absence of adverse comment from the Environment Agency or the Council's Mineral and Waste Officer as regards the alleged unauthorised land filling there are no grounds to delay consideration of the application further.

- 6.3 Topography of the surrounding area of the site is such that it is unlikely the building will be visible from the B class road, but will be visible from the access drive serving this small cluster of development together with various rights of way which cross the area. Given the comments of the Chief Conservation Officer it is considered that in visual amenity terms and lack of impact on historic setting terms, that subject to substantial screening the proposal will be acceptable.
- 6.4 Given the modest size of the building and comments received from the Environmental Health and Trading Standards Officer it is not considered that the use of the building for livestock purposes and unreasonable impact upon amenity of nearby occupiers.
- 6.5 Further clarification of the drainage ditch and pond which appeared on the site recently has been sought but it is anticipated that these matters can be dealt with by condition in consultation with the Council's Minerals and Waste Officer. It is therefore considered that subject to appropriate conditions the proposal is acceptable.

RECOMMENDATION

Subject to there being no objection from the Environment Agency, nor any circumstance arising from their comments to prevent erection of the building, the officers named in the scheme of delegation to officers be authorised to approve the application subject to the following conditions and any conditions considered necessary by officers:

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

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

2 - B01 (Samples of external materials)

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

3 - G04 (Landscaping scheme (general))(insert further between no and development)

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

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

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

5 - Before any further development takes place details of the drainage ditch and water displacement area shall be submitted to and approved in writing by the local planning authority.

Reason: In order to control drainage on the site.

Informative:

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

Leominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape

Policy A11 – Parks, Gardens and other Historical Landscape Features

Hereford and Worcester County Structure Plan

Policy A3 – Agricultural Buildings

Policy CTC2 – Areas of Great Landscape Value

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4. DCNW2003/2846/O - SITE FOR PROPOSED STORAGE, OFFICE, TOILETS BUILDING AT PART O.S.7900, PAYTOE LANE, LEINTWARDINE.**For: K J Watkins & Sons per Garner Southall Partnership, 3 Broad Street, Knighton, Powys LD7 1BL****Date Received:**
19th September 2003**Ward:**
Mortimer**Grid Ref:**
40447, 73669**Expiry Date:**
14th November 2003

Local Member: Councillor Mrs L O Barnett

1. Site Description and Proposal

- 1.1 The application site is located on the east side of Paytoe Lane and comprises the main depot of the applicants well established highway and earthworks contracting business. Permission was originally granted for the use of the site for the parking and storage of plant and equipment pursuant to application ref. 96/0591/N in October 1996.
- 1.2 Immediately to the north and west of the site are existing industrial units, which comprise the Paytoe Industrial Estate. One of the units opposite is currently rented by the applicant. Prior to this the administration and staff facilities were accommodated within a portacabin and shed located on the depot site. The portacabin remains on the land and is located behind the established hedgerow which defines the western boundary of the site.
- 1.3 The site lies outside the recognised settlement boundary of Leintwardine and is designated as a Landscape Protection Area.
- 1.4 Outline planning permission is sought for a new purpose-built industrial building to provide enhanced office and staff facilities to meet the requirements of the 18 staff employed by the applicant. It would also provide secure storage space which is not available at present.
- 1.5 The proposed building would have a floor area of 18 metres by 12 metres with a maximum height to the ridge of 6.8 metres. It would be positioned to the rear of the established depot site and would align with the existing unit located to the north. The landscaping of the site is a reserved matter but the intention is to provide a 2 metre buffer to the rear and a 3 metre buffer to the side to provide additional landscaping.
- 1.6 The application is accompanied by a statement setting out the applicants need for improved facilities and latterly a Flood Risk Assessment, which was requested following consultation with the Environment Agency who confirm the site location is within the flood plain of the River Teme.

2. Policies

Hereford & Worcester County Structure Plan

E6	Industrial Development in Rural Areas
CTC 9	Development Requirements

Leominster District Local Plan (Herefordshire)

A1	Managing The District's Assets And Resources
A2(D)	Settlement Hierarchy
A9	Safeguarding The Rural Landscape
A10	Trees And Woodlands
A13	Pollution Control
A14	Safeguarding The Quality Of Water Resources
A15	Development And Watercourses
A16	Foul Drainage
A24	Scale And Character Of Development
A28	Development Control Criteria For Employment Sites
A31	Employment Generating Uses Within Or Around The Market Towns
A35	Small Scale New Development For Rural Businesses Within Or Around Settlements
A54	Protection Of Residential Amenity
A70	Accommodating Traffic From Development

Herefordshire Unitary Development Plan (Deposit Draft)

S1	Sustainable Development
S2	Development Requirement
S4	Employment
S7	Natural and Historic Heritage
DR1	Design
DR2	Land Use & Activity
DR4	Environment
DR7	Flood Risk
DR13	Noise
DR14	Lighting
E5	Safeguarding Employment Land & Buildings
E6	Expansion of Existing Businesses
E8	Design Standards for Employment Sites
E10	Employment Proposals Within or Adjacent to Rural Settlements
LA2	Landscape Character and Areas Least Resilient to Change
LA3	Setting of Settlements
LA5	Protection of Trees, Woodlands and Hedgerows

Government Guidance

PPG 25 – Development and Flood Risk

3. Planning History

- 3.1 96/0591/N - Parking area for equipment and vehicles - Approved 7 October 1996.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agencies initial response dated 27 October 2003 is set out in full in the appendix. In summary the site lies wholly within the floodplan of the River Teme and access would be restricted during a flood event. Falls within a Category 3b area within which guidance states that "these areas are generally not suitable for residential, commercial and industrial development unless a particular location is essential". Development would reduce flood flow conveyance and floodwater storage capacity resulting in a new loss of 330 cubic metres of flood plain storage. Compensation not regarded as sufficient and allowing this development would encourage more proposals in this area.
- 4.2 Environment Agencies response to consultation relating to Flood Risk Assessment dated 26 January 2004 is set out in full in the appendix. In summary the objection is maintained but if the local planning authority are minded to approve for other reasons considerations regarding the removal of existing spoil heaps and portacabin should be attached together with control over the construction of the floodable building and surface water treatment.

Internal Council Advice

- 4.3 Head of Engineering and Transportation - no objection but recommend condition relating to provision and retention of parking and turning space.

5. Representations

- 5.1 Leintwardine Parish Council raise no objection but make the following recommendations :
- building line should be same as on C&W building to allow for rear landscaping and tree planting.
 - should match adjacent C&W building in colour and using bricks not blocks.
 - landscaping to side and possibly front.
 - toilets not sufficiently separated from kitchen.
 - existing septic tank and soakaways are not obvious, what system is intended?
- 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 key issues for consideration in the determination of this application are as follows:

- the principle of the proposed new industrial building;
- the flood risk associated with the proposed building and;
- the impact of the proposed building on the character and appearance of the surrounding countryside.

The Principle of Industrial Development

6.2 The application site lies outside the settlement boundary for Leintwardine and as such Policy A2 (D) of the Leominster District Local Plan (Herefordshire) established strict control over new development proposals. It does however allow for small-scale employment projects subject to compliance with Policies A31 and A35 of the Local Plan, which relate to employment development in the areas around established settlements.

6.3 Of particular importance in this case is the well-established commercial use of the application site and the lack of any realistic alternative locations from which the business could operate locally. Paytoe Lane is an established industrial estate and with the benefit of the permission granted in 1996, the application site represents an integral part of the estate.

6.4 Furthermore, it is considered that the proposed unit is of an appropriate scale relating well both in terms of size and location to the existing units to the north and west of the site.

6.5 Accordingly, it is considered that the general principle of constructing a purpose-built building to meet the specific needs of the business within the established depot site is an acceptable one.

Flood Risk

6.6 The Environment Agency confirm that in accordance with guidance set out in PPG 25, the application site would fall within Category 3b, namely a sparsely developed area at high risk of flooding and furthermore that such an area would not generally be suitable for commercial or industrial development unless a particular location was considered to be essential.

6.7 In this respect the justification put forward by the applicant with regard to the inadequacy of the current arrangements carries weight as a material consideration in reaching a recommendation on this application.

6.8 It is acknowledged that the lack of a building on site is a draw back in terms of the general running of day-to-day activities and site security but given the proximity of the existing unit this in its own right would not be sufficient to outweigh the concerns raised by the Environment Agency.

- 6.9 However, it is recognised that this well-established local business cannot adequately cater for its 18 strong workforce from the existing unit since it does not provide adequate office accommodation and ancillary facilities. Furthermore the applicant is in a position to compensate for the loss of flood storage capacity by the removal of existing structures on the site which would no longer be required should the proposed unit be allowed.
- 6.10 In these circumstances and on the basis that the building as proposed is designed to be floodable it is considered that on balance this proposal can be supported.
- 6.11 Whilst it has not been possible to overcome the Environment Agency's objection, the Flood Risk Assessment that has been submitted gives a clear indication that at no time in the past 40 years (the length of time that the applicant has operated in the area) has the site itself flooded. In terms of documentary evidence the flood event in November 2000 did not reach the site and the recent water levels were some 2 metres below the level of the application site. The Environment Agency do recommend that if permission is granted it should be subject to conditions requiring the removal of the existing portacabin and spoil heaps on site and ensuring that the new building is constructed so as to be internally floodable.
- 6.12 On a final point and in recognition of the Agency's concerns it is advised that the established commercial activities on the site are an important material consideration. In view of the surrounding areas location within open countryside, further industrial development on adjoining land would be unlikely to be supported as a matter of principle.

Character and Appearance of the Surrounding Countryside

- 6.13 The application site in its current form although open is characterised by a generally untidy appearance with a wide range of plant and equipment readily visible. It also has a clear visual relationship to the well-established units comprising the Paytoe Industrial Estate and accordingly the proposed building would not detract from the appearance of the area or look out of keeping with the prevailing industrial character of the immediate vicinity.
- 6.14 In view of the above, the proposed building would not cause demonstrable harm to the Landscape Protection Area and therefore the proposal accords with Policy A9 of the Leominster District Local Plan (Herefordshire).

RECOMMENDATION

That planning permission be granted subject to the following conditions :

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

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

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

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

3 - A04 (Approval of reserved matters) (landscaping)

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

4 - A05 (Plans and particulars of reserved matters)(landscaping)

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

5 - B01 (Samples of external materials)

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

6 - Prior to the commencement of the development hereby approved full details of the method of construction of the building in relation to its floodable design shall be submitted to and approved in writing by the local planning authority. The building shall be constructed in accordance with the approved details and thereafter maintained.

Reason: To protect the development from flooding.

7 - Prior to the commencement of the development hereby approved details of the removal of the portacabin, spoil heaps and any other structures shall be submitted to and approved in writing by the local planning authority. These shall be permanently removed from site prior to the first occupation of the building hereby approved.

Reason: To compensate for the loss of flood storage capacity associated with the construction of the new industrial unit.

8 - Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 8 shall be carried out.

Reason: In recognition of the sites location in the flood plain of the River Teme.

9 - 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.

10 - 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.

Informative(s):

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

Hereford & Worcester County Structure Plan
E6 Development In Rural Areas Outside The Green Belt
CTC9 Development Criteria

Leominster District Local Plan
A9 Safeguarding The Rural Landscape
A15 Development And Watercourses
A24 Scale And Character Of Development
A28 Development Control Criteria For Employment Sites
A31 Employment Generating Uses Within Or Around The Market Towns
A35 Small Scale New Development For Rural Businesses Within Or Around Settlements

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



**ENVIRONMENT
AGENCY**

Our Ref : US/2003/011225-1/1
Your Ref : DCNW2003/2846/O

Date : 27 October 2003

Julie Preston
Head of Planning Services
Herefordshire Council - Northern Division
PO Box 230
Blueschool House
Blueschool Street
Hereford
Herefordshire
HR1 2ZB



F.A.O: Mr S Withers

Dear Sir/Madam

**SITE FOR PROPOSED STORAGE/OFFICE/TOILETS BUILDING AT PART
O.S.7900 PAYTOE LANE, LEINTWARDINE**

Thank you for referring the above application which was received on 9 October 2003.

The Agency **OBJECTS** to the proposed development, as submitted, on the following grounds:

The site lies near to the River Teme, which is designated a Main River under the Water Resources Act 1991. The site lies wholly within the floodplain of the River Teme and access would be restricted during a flood event. The March 1947 flood level in the vicinity of the site was 118.25m Above Ordnance Datum. According to the survey submitted, ground levels across the site vary from 116.72 to 117.16 m AOD. During the 1947 event, flood water depth across the site, including its access, would have been in excess of 1.53m.

The Agency would regard this development as falling within category 3B – Sparsely developed areas at high risk of flooding, of paragraph 30 (of PPG25- Development and Flood Risk). The guidance states that "these areas are generally not suitable for residential, commercial and industrial development unless a particular location is essential...".

The proposed development is likely to reduce both the flood flow conveyance and flood water storage capacity of the flood plain, the cumulative effect of which increases the risk of flooding elsewhere. The proposed building would result in the net loss of approximately 330 cubic metres of floodplain storage.

The Agency notes that the owner, Mr Watkins, will remove the existing spoil stored on site as well as a portacabin in order to provide some floodplain compensation, however this is not considered satisfactory to fully compensate for the development proposal.

Environment Agency
Hafren House, Welshpool Road, Shelton, Shrewsbury, Shropshire, SY3 8BB, Tel no:01743 272828, Fax no:01743 272138

If the proposed development were to be permitted, it will encourage similar proposals in the area on land subject to flooding. Due to the precedent set, such development would be difficult to resist. The cumulative effect of this would further increase flood risk here and elsewhere.

If you are minded to approve the application contrary to our objection, attention is drawn to paragraph 65 of PPG25 - Development and Flood Risk which advises that the Agency should be re-notified, for you to explain why material considerations outweigh the objection, and to give the Agency the opportunity to make further representations.

It should be noted that the Agency's previous letter dated 27 November 2002 (and further correspondence) outlined that the Agency would be likely to object to this proposal.

Yours faithfully

pp. M. Davies

JUSTIN BURNETT
Team Leader Severn Area Planning

Please ask for : Mark Davies 01743 283405

CC: T P Southall Garner Southall Partnership

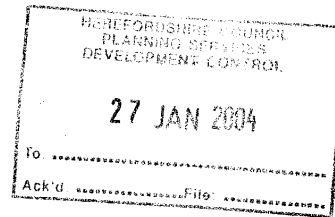
Our Ref : US/2003/011225-2/1
Your Ref : DCNW2003/2846/O



ENVIRONMENT
AGENCY

Date : 26 January 2004

Julie Preston
Head of Planning Services
Herefordshire Council - Northern Division
PO Box 230
Blueschool House
Blueschool Street
Hereford
Herefordshire
HR1 2ZB



F.A.O: Mr S Withers

Dear Sir/Madam

**SITE FOR PROPOSED STORAGE/OFFICE/TOILETS BUILDING AT PART
O.S.7900 PAYTOE LANE, LEINTWARDINE**

Thank you for referring information relating to the above application, which was received on 19th January 2004.

As previously indicated, the site lies within the floodplain of the confluence of the River Teme and River Clun.

The Flood Risk Assessment agrees that the 1% Annual Probability Flood Event level in the vicinity of the site is a reasonable estimate at 118.25m AOD, with the ground level of the proposed building at 117.1m AOD.

In line with PPG25, the Agency therefore **maintains its objection** to the proposal but notes that a degree of floodplain compensation is possible with the removal of the existing spoil and portacabin. The proposal also indicates that the building may be constructed as internally floodable, thus further reducing any floodplain loss.

If however your authority is minded to approve the proposal due to other planning issues, the Agency would request that the following planning conditions are imposed:

In order to minimise the impact of the development increasing flooding elsewhere, the existing spoil heaps and portacabin should be removed to compensate for flood water storage loss within the floodplain. In addition, the building should be constructed as internally floodable.

CONDITION: Surface water shall be disposed to a soakaway system designed and constructed in accordance with BS 8301: 1985 (Section 8.4).

Environment Agency
Hafren House, Welshpool Road, Shelton, Shrewsbury, Shropshire, SY3 8BB, Tel no:01743 272828, Fax no:01743 272138

REASON: To ensure the satisfactory provision of drainage facilities to serve the proposed development.

NOTE: The LPA should confirm with their Building Control or Technical Services, and the adopting Highway Authority if relevant, that soakaways will be acceptable to them for this proposal.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

JUSTIN BURNETT
Team Leader Severn Area Planning
Please Ask For: Mark Davies (01743) 283405

5. DCNW2003/3732/F - ERECTION OF THREE COTTAGES ON LAND OFF KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE**For: Tabre Developments per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford HR1 1LH****Date Received:****11th December 2003****Ward:****Kington Town****Grid Ref:****29873, 56342****Expiry Date:****5th February 2004**

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises a rectangular 0.1 hectare site located on the north side of Kingswood Road, an unclassified road, which links the area known as Headbrook with the hamlet of Kingswood and the A4111 to the north. The site lies within the settlement boundary for Kington and also within the Kington Conservation Area.
- 1.2 The site is primarily characterised by a steady fall in ground levels (across the site from west to east) and also towards the rear (northern) boundary with a detached property known as Tumbledown. The result is that the application site is lower than Arrow Weir House to the west and elevated above the modest and Grade II listed lodge to the east.
- 1.3 A low stone wall which runs the length of the boundary with Kingswood Road is a particular notable feature of the site. The stone wall has been partially demolished in two locations, the main opening having been created in the position of an access approved pursuant to an older and now expired planning permission. A stand of mature larch are located in the north west corner of the site and 2 sycamore trees are located within the boundary between the application site and the detached property to the north.
- 1.4 The prevailing character of this part of the Kington Conservation Area is characterised by a mix of housing types which include detached and terraced properties featuring a range of materials including timber framing, stone, render and to a lesser extent brick in their elevational treatment.
- 1.5 Planning permission is sought for the erection of 3 detached properties that would be predominantly rendered on a stone plinth and under a natural slate roof. The proposed dwellings would have a maximum height to the ridge of between 6.5 and 7.2 metres allowing for the falling levels across the site. Each property would accommodate 3 bedrooms and comprises a 'T' shape form with a projecting rear gable. The principal elevations facing towards Kingswood Road would be set back between 6 and 8 metres from the existing stone boundary wall.
- 1.6 Two points of access are proposed, one shared by Plots 1 and 2 and the other serving Plot 3. No garaging is proposed, instead hardstanding areas would be provided.

- 1.7 This application follows the refusal of planning permission for a terrace incorporating 6 two bedroomed properties (subsequently dismissed at appeal) and a detached scheme for 3 detached dwellings with garaging. The refused detached scheme proposed dwellings with a maximum height of 7.5 metres which incorporated forward projecting gables within 3 metres of the stone boundary wall.

2. Policies

Hereford & Worcester County Structure Plan

- Policy CTC 9 Development Requirements
 Policy CTC 15 Conservation Areas
 Policy CTC 18 Development in Urban Areas

Leominster District Local Plan (Herefordshire)

- Policy A1 Managing the Districts Assets & Resources
 Policy A2 (A) Settlement Hierarchy
 Policy A10 Trees and Woodlands
 Policy A12 New Development and Landscape Schemes
 Policy A18 Listed Buildings and their Setting
 Policy A21 Development within Conservation Areas
 Policy A24 Scale and Character of Development
 Policy A52 Primarily Residential Areas
 Policy A54 Protection of Residential Amenity
 Policy A70 Accommodating Traffic from Development
 Policy A73 Parking Standards and Conservation

Herefordshire Unitary Development Plan (Deposit Draft)

- Policy S2 Development Requirement
 Policy S3 Housing
 Policy S7 Natural and Historic Heritage
 Policy DR1 Design
 Policy DR2 Land Use & Activity
 Policy DR3 Movement
 Policy DR4 Environment
 Policy H1 Settlement Boundaries and Established Residential Areas
 Policy H13 Sustainable Residential Design
 Policy H15 Density
 Policy H16 Car Parking
 Policy LA3 Setting of Settlements
 Policy LA5 Protection of Trees, Woodlands and Hedgerows
 Policy HBA 4 Setting of Listed Buildings
 Policy HBA 6 New Development Within Conservation Areas

3. Planning History

- 3.1 87/0741 - Outline planning permission for residential development - Approved February 1988.
- 3.2 88/0878 - Approval of Reserved Matters - Approved December 1988.
- 3.3 92/0719 - Erection of 4 houses with garage block, parking and turning - Approved 9 February 1993.

- 3.4 97/0950/N - Renewal of the above permission - Approved 13 January 1998.
- 3.5 NW2002/1545/F - Erection of 6 no. two bedroom cottages and parking area - Refused 4 September 2002 - Appeal dismissed.

The reasons for refusal were as follows :

1. The proposal by reason of its scale and form would result in overdevelopment of the site and would be out of keeping with the character and appearance of the Kington Conservation Area contrary to Policy CTC 15 of the Hereford and Worcester County Structure Plan and Policies A21 and A24 of the Leominster District Local Plan (Herefordshire).
2. It is considered that the proposal would be detrimental to the interests of highway safety by reasons of limited on site parking and additional traffic generation, contrary to Policies A70 and A71 of the Leominster District Local Plan (Herefordshire).

The Inspector in dismissing the appeal made the following observations :

- Proposed terrace would be of greater height and size than the existing row of cottages nearby and closer to the road than the adjacent detached house (Arrow Weir) making it very predominant feature.
- High and bulky form cramped within the corner of the site which would not be complimentary, dominating and detracting from nearby buildings.
- Insufficient use made of traditional materials.
- Large area of hardstanding would be unusual and uncharacteristic.
- Principle of developing site acceptable and would enable better use to be made of it. However proposed development would be out of keeping, prominent and obtrusive.
- Proposed access and parking arrangements would not cause any loss of highway safety but in the context of the site the movement of up to another 9 vehicles would lead to congestion, conflict and dangerous conditions on road.
- Development as proposed by reason of its size and the traffic that would be generated would lead to unacceptable loss of highway safety.

- 3.6 NW2003/0157/F - Erection of 3 cottages with garages - Refused 6 June 2003.

The reason for refusal was as follows:

1. The proposal by reason of its overall scale and form would result in a cramped form of development and would be out of keeping with the character and appearance of the Kington Conservation Area contrary to Policies A21 and A24 of the Leominster District Local Plan (Herefordshire).

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objection but recommend the imposition of conditions relating to foul and surface water treatment.

Internal Council Advice

- 4.2 The Chief Conservation Officer raises no objection with regard to the site layout, massing, design and materials subject to clarification that the existing boundary wall will be re-built and that natural slate will be used.
- 4.3 In addition to the above, concerns have been raised with respect to the implications for the proposed development upon the existing larch and sycamore trees located towards the rear of the site. At the time of writing the applicant is preparing an arboricultural report seeking to demonstrate that the retention of the trees shown on the layout plan is feasible. The findings of the report will be reported verbally at the meeting. It is advised that unless this matter can be resolved through the submission of an additional justification the Chief Conservation Officer recommends that the application be refused.
- 4.4 The Head of Engineering and Transportation raises no objection subject to conditions relating to the provision and retention of parking and turning facilities.

5. Representations

- 5.1 A total of 3 letters have been received in response to the application from the following persons :
- IT Holloway, 2 Headbrook, Kington
 - RA Forsyth, Tumbledown, Headbrook, Kington
 - Miss S Cadwallader, 3 Ashmoor Place, Kington (and on behalf of D Watkins 4/5 Ashmoor Place, J Medina 1/2 Ashmoor Place and Mr & Mrs Cameron, The Old Toll House).
- 5.2 The concerns raised can be summarised as follows :
- Additional traffic will be introduced at the narrowest point in the road
 - Road already heavily used by private, industrial and agricultural vehicles.
 - Access very close to junction with Headbrook.
 - These are family homes which inevitably means more children who would be exposed to traffic incidents.
 - Size of dwellings amounts to over-development - this is no different from the previous refused application
 - The siting of the dwellings are closer to existing sycamore trees which might be affected by excavation. Trees should be removed if permission is granted.
 - A new fence along the northern boundary should be erected.
- 5.3 Kington Town Council state :
- 'Kington Town Council welcome the proposed application and have no objections.'
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application site lies within the settlement boundary for Kington and as such the principle of residential development on infill plots is acceptable in accordance with Policy A2(A) of the Leominster District Local Plan (Herefordshire). Further to this it is considered that the key issues in respect of the determination of this application are as follows:
- a) the impact of the proposal on the character and appearance of the Conservation Area, and
 - b) access and parking issues
- 6.2 The recent planning history is of relevance insofar as the Inspectors report relating to the refused terraced scheme established a number of important considerations which have informed the further negotiations that have taken place with the applicant. Particular reference is made to the size and height of the dismissed scheme and its dominant impact close to the stone boundary wall with Kingswood Road. The use of traditional materials is also given significant weight. The revised proposal has therefore sought to achieve a setting back of the built form allowing for additional roadside landscaping. It also introduces more traditional and less dominant materials such as render and stone. The decision also recognises the need to reduce the visual impact of hardstanding areas and the potential for proposed development to enable the repair and retention of the stone boundary wall.

Character and Appearance of the Conservation Area

- 6.3 The current application has been the subject of a lengthy discussion with your officers and as suggested above the appeal decision established a number of key issues for attention. It is considered that the revised design of the individual dwellings which incorporate render, stone and natural slate represent a significant improvements upon previously submitted schemes. The use of better quality materials and the simplification of the principal elevations would in your officers view serve to reduce the visual impact of the terraced scheme and the imposing forward projecting gables of the refused scheme for 3 detached properties. Furthermore, the setting back of the dwellings allows room for screen planting along the frontage to reflect the semi-rural character of the site and further limit the effect of the development within the streetscene and upon the properties opposite.
- 6.4 It is advised that the height of the proposed dwellings has been reduced to a maximum ridge height of 7.5 metres which accords with the terraced properties opposite the application site and also that the overall footprint of built development has been reduced to approximately 196 metres². This compares favourably to the footprint of previously refused scheme which covered a floor area of 240 metres². (refused scheme for 3 detached dwellings) and 217 metres² (refused terraces scheme).
- 6.5 Garaging has been omitted in favour of open driveways adjacent to the individual plots. This enables an appreciation of views through the site, which when coupled with the improvements outlined above is sufficient to overcome concerns in respect of the over-development of the site. The hardstanding areas are broken up and would benefit from screening in the form of a landscaping scheme to be formally agreed by way of a condition.

- 6.6 It should be recognised that whilst the setting back of the proposed development addressed the concerns relating to its impact in the streetscene it does also bring the dwellings closer to the existing trees at the rear of the site, which are recognised as being of reasonable amenity value. In the light of concerns raised by the Chief Conservation Officer the applicant has been advised to submit an arboricultural report seeking to address these concerns. The outcome of this report is awaited and the recommendation is therefore subject to its findings.
- 6.7 In all other respects it is considered that the current scheme addresses the shortcomings of previous submissions and would accord with Policies A21 and A24 of the Leominster District Local Plan (Herefordshire).

Parking & Access Issues

- 6.8 Access and the narrow width of Kingswood Road in the vicinity of the site remains a concern for local residents. The Inspector recognised the problem associated with the communal parking associated with the refused terraced scheme in terms of the intensity of the use of the access.
- 6.9 It is considered that this proposal for 3 detached dwellings which are afforded ample off-street parking would result in a satisfactory reduction in the number of comings and goings to the extent that the Inspector's concerns are overcome. It should also be noted that access and parking issues were not part of the reasons for refusing the previous 3 dwelling detached scheme which in terms of the position of the accesses and the amount of parking provided is the same as the current scheme.
- 6.10 The Head of Engineering and Transportation raises no objection and in the light of the above it is advised that highway safety issues could not reasonably be substantiated as a reason for refusal.

RECOMMENDATION

Subject to the receipt of an arboricultural report demonstrating that the trees identified on the site plan can be retained, officers named in the scheme of delegation be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:

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

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

2 - B01 (Samples of external materials)

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

3 - 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.

4 - C05 (Details of external joinery finishes)

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

5 - E16 (Removal of permitted development rights)

Reason: To preserve the setting of the individual dwellings in the interest of protecting the character and appearance of the conservation area and local amenity.

6 - E18 (No new windows in specified elevation) (in the west elevation of Plot 1 and east elevation of Plot 3).

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

7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 - F17 (Scheme of foul drainage disposal)

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

9 - F48 (Details of slab levels)

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

10 - G04 (Landscaping scheme (general)) (including the repair/rebuilding of the stone wall)

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

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

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

12 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

13 - 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.

Informative(s):

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

- A10 Trees And Woodlands
- A12 New Development And Landscape Schemes
- A18 Listed Buildings And Their Settings
- A21 Development Within Conservation Areas
- A24 Scale And Character Of Development
- A54 Protection Of Residential Amenity
- A70 Accommodating Traffic From Development

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6. DCNE2003/3338/F - REMOVAL OF CONDITION 6 OF PLANNING PERMISSION MH92/1564 SOMERFIELD STORES LTD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EZ

For: Somerfield Stores per Edmund Kirby, India Buildings, Water Street, Liverpool. L2 0TZ

Date Received:
5th November 2003

Ward:
Ledbury

Grid Ref:
70938, 37470

Expiry Date:
31st December 2003

Local Members: Councillors Harling, Rule and Ashton

1. Site Description and Proposal

- 1.1 Somerfields is located on the southern side of New Street, Ledbury.
- 1.2 Planning permission is sought to remove condition no. 6 on planning permission MH92/1564 which requires that all loading/unloading of delivery vehicles shall only take place within the building and that the external doors are closed during these operations. This will then allow them to load and unload within the delivery/service yard area.
- 1.3 The condition was imposed "in the interests of Environmental Health and to protect the residential amenities of nearby residents".
- 1.4 Residential development abuts the boundaries of the Somerfields site.

2. Policies

PPG24 – Planning and Noise

Hereford and Worcester County Structure Plan
Policy CTC9 – Development Requirements

3. Planning History

MH87/595 - Proposed retail supermarket, car-park and service yard - Approved 29 May 1987

MH87/1921 - Application under Section 31A for permission to develop land as retail supermarket, car-park and service yard without need for complying with condition no. 10 of planning permission ref. MH87/595 - Approved 17 August 1987

MH92/1564 - Single storey flat roof extension to rear of existing store over existing service yard, including new roller shutter and fire escape exit door - Approved 1 March 1993

MH93/0982 - Removal of condition nos. 10 and 13 of planning permission ref. MH92/1564 - Approved 27 September 1993

MH90/2317 - Acoustic enclosure to service yard - Approved 14 September 1992

NE99/2914/F - Proposed extension to existing warehouse area - Approved 22 January 2001

4. Consultation Summary

Statutory Consultations

- 4.1 CPRE comment: This condition requires loading and unloading to take place behind closed doors, thus reducing noise nuisance. We assume that the store was designed and built to comply with this condition. It appears that the company have made changes in the use they make of the enclosed space and that these changes make it difficult for them to comply with the condition.

As we see it, any difficulties are of the company's own making and they should seek remedies which do not create a nuisance for neighbours. We therefore ask the Council to reject this application.

Internal Council Advice

- 4.2 Environmental Health and Trading Standards Officer confirms that complaints regarding noise have been received by the department relating to delivery operations as the HGV turns into the yard area and unloading outside the building.
- 4.3 Head of Engineering and Transportation comment: There are no objections to the proposed removal of the condition in principle in traffic and highway terms, providing that HGV's continue to load/unload off the carriageway and can turn and exit the site in a forward gear. However, the applicants letter of support seems incorrect in stating that it is "physically impossible" to load/unload within the building. Having visited the site, the internal area appears to be designed specifically to permit internal loading/unloading, but was seen to be obstructed by pallets, goods, etc.

5. Representations

5.1 Ledbury Town Council - Recommend approval.

5.2 Ten letters of objection have been received, the main points raised are:

- 1) When Somerfields was built this condition was imposed to protect the amenity of residents and it should be retained.
- 2) To remove the condition will increase the noise level emanating from Somerfields in a residential area.

3) This could lead to request for lifting of further conditions.

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 condition was not imposed on the original planning permission for the store but a later extension, so although they were originally permitted to unload in the service yard they were subsequently restricted when the store was extended in 1992. The extension included an internal loading bay, however this has been consistently used as additional storage area for the store.

6.2 The Environmental Health and Trading Standards Officer would prefer to see the retention of the condition. However given the strict delivery times of 7.00 am to 6.00 pm Monday to Friday and 7.00 am to 1.00 pm on Saturday and no deliveries on Sunday or Bank Holidays, he considers that the proposal is acceptable and within the time periods advised by PPG24 Planning and Noise and accordingly not sustainable on appeal.

6.3 The local residents concerns are noted however, the enforcement of the delivery times will ensure that loading and unloading will take place within acceptable time periods. Finally, a condition will be imposed to ensure engines are turned off and external supply fitted for refrigeration units.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - All engines shall be stopped when the vehicles have parked ready for loading and unloading and any refrigeration units shall be connected to an external supply feed from the store.**
- 2 - The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the hours of [7.00 am to 6.00 pm] Mondays to Fridays and [7.00 am to 1.00 pm] on Saturdays nor at any time on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

Informatives

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

**Hereford and Worcester County Structure Plan
Policy CTC9 – Development Requirements**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7. DCNE2003/3673/F - RETENTION OF WAREHOUSE BUILDING AT PARKWAY GARAGE, PARKWAY, LEDBURY, HEREFORDSHIRE, HR8 2JD

**For: European Aviation Ltd. per R S Green Assoc,
1 Fields Park Lane, Newport, South Wales. NP20 5BU**

Date Received:
5th December 2003

Ward:
Ledbury

Grid Ref:
71806, 35429

Expiry Date:
30th January 2004

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

1. Site Description and Proposal

- 1.1 Parkway Garage and Petrol Filling Station is located on the western side of the A417 Ledbury to Gloucester Road at Parkway, Ledbury. The proposal is to retain a building for warehouse purposes erected to the rear of the Petrol Filling Station and measuring 30.92 metres in length, 19 metres in width and with a height to the eaves of 5 metres and 9 metres to the ridge. It is a steel framed building with concrete block walls up to 2 metres with steel sheeting for the remainder of the walls and roof cladding. Three fire escape doors are located in the building and two main access doors, one on the north elevation facing into the car-parking area and the other on the east elevation facing the main road. An area of tarmac has been installed around the building with soil and trees removed from the southern side of the building. These trees are covered by a Tree Preservation Order. The building is presently being used for the storage of motor vehicles for sale.

2. Policies

Hereford and Worcester County Structure Plan

Policy CTC9 – Development Requirements

Policy E6 – Industrial Development in Rural Areas

Malvern Hills District Local Plan

Employment Policy 7 – New Building Employment in the Open Countryside

Employment Policy 10 – Expansion on Industrial Sites

Transport Policy 11 – Traffic Impact

Transport Policy 14 – Petrol Filling Stations - Existing

3. Planning History

MH89/0971 – Restaurant and filling station with car parking for 35 cars as replacement of existing garage and service station. Approved.

MH91/1430 – Refurbishment of existing garage facilities and erection of a canopy over forecourt. Approved 6th January 1992.

MH94/0432 – Demolition of existing garage workshop and fuel facilities and erection of new fuel facilities, restaurant, hotel and car parking. Refused 15th August 1994.

MH94/1599 - Demolition of existing garage workshop and fuel facilities and erection of new fuel facilities, restaurant, hotel and car parking. Refused 30th January 1995 – Appeal dismissed 13th December 1995.

MH97/0074 – Installation of underground storage tank. Approved 14th April 1997.

MH97/1039 – New security fence and office extension to existing workshop. Approved 11th March 1998.

NE2000/1009/F – Jet wash machine and service island installation. Approved 26th June 2000.

NE2002/3751/F – Construction of single storey warehouse unit. Approved 20th February 2003.

NE2003/3490/F – Proposed warehouse extension. Withdrawn.

4. Consultation Summary

Internal Council Advice

- 4.1 Environmental Health and Trading Standards Officer raises no objection subject to the use being restricted.
- 4.2 Chief Conservation Officer comments as follows: ‘The warehouse development has been completed and extends into a wooded area that is protected by a Tree Preservation Order and that would not have been affected by the original application. Unauthorised felling of trees has been carried out to construct the development, in particular the wide tarmaced area to the south of the building. The natural ground levels rise to the southern boundary of the site and a substantial amount of excavation has been carried out to achieve the flat area of tarmac. This has resulted in the destruction of the trees directly affected and serious damage to the peripheral trees still standing.

The width of the tarmac seems to me to be excessive and unnecessary for maintenance access. There are no doors or windows along this elevation that would require vehicular access. The damage already done to the trees cannot be undone but some damage limitation can be achieved by reducing the area of tarmac, regarding and replanting.’

- 4.3 The Head of Transport and Engineering recommends conditions.

5. Representations

- 5.1 Ledbury Town Council recommend approval subject to the provision of adequate facilities for the access and egress of large vehicles to the site and consideration of the impact upon the surrounding area.

5.2 Eight letters of objection have been received from:

Linda and David Eccleshall (3), White Rose Cottage, Parkway, Ledbury
 Mrs Anne Rawlins, Hillfield, Parkway, Ledbury
 Mrs June Herington (2), Ledgecombe Cottage, Parkway, Ledbury
 Peter Evans, Pye Nest Cottage, Parkway, Ledbury
 Mrs Margaret Allnutt, Hillfield Annexe, Parkway, Ledbury

The main reasons stated are as follows:

1. The construction of the large shutter door access on the east elevation will increase danger on the southern access off the main road and will allow noise pollution to leave the building to the detriment of nearby residents.
2. The large doors indicates a more commercial use not just warehousing.
3. The amenity of the area has been impacted upon by the removal of trees, dangerous traffic issues, operating hours and colour of the building.
4. The land adjoining this side has been used to dump the waste spoil following excavations.
5. All the trees are covered by a Tree Preservation Order.
6. The main road is very dangerous and identified as an accident blackspot where fatalities have occurred.

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 Planning permission was granted in February 2003 for the construction of a warehouse building. During construction works at the end of last year it was noted that the building being erected was different in all dimensions.

Approved Building		Constructed Building
30.4 m	Length	30.92 m
24.4 m	Width	19 m
4.6 m	Height to eaves	5 m
6.5 m	Height to ridge	9 m

6.2 Although the building is only 0.5 metres greater in length a substantial amount of ground around the building has been excavated particularly to the south which has also included the removal of a number of trees and laying of tarmac. The Chief Conservation Officer has confirmed that provided all the tarmac and stone is removed and soil replaced this will help to protect the remaining trees that still provide a substantial screen to the development. A footpath around the building will need to be retained for access, a condition will be recommended retaining 0.9 metres of tarmac path around the building and the remainder re-soiled.

6.3 The width of the building is substantially reduced and no concerns are raised on this aspect. The overall height of the building has however increased by approximately 2.5 metres but its location behind existing buildings limits its impact and again no concerns are raised. The colour of the building is grey and also considered acceptable. The height and width of the shutter doors are no more than what you would expect on a warehouse.

- 6.4 The agents have been asked to clarify the proposed use and have confirmed it is to be used for warehousing for the storage of vehicles. A condition will therefore be imposed preventing any other use without the express permission of the local planning authority. This will ensure that no use which causes nuisance to neighbours is undertaken within the building. Therefore the retention of the shutter door in the east elevation is considered acceptable as the Environmental Health Officer also confirms that he has no objection to the use of the building for warehousing.
- 6.5 Finally regarding the removal of trees covered by the Tree Preservation Order this matter has been investigated by the Council's Chief Conservation Officer with a view to appropriate action being taken.
- 6.6 In summary the building and its use are therefore considered acceptable and not detrimental to the amenity of local residents or landscape and the Council's Highway Consultants have also confirmed that the development is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - Within 3 months of the date of this permission the existing tarmac surfacing and sub-stone shall be removed on the south and west sides of the building with the exception of 900 mm adjacent to the building for access purposes.**

Reason: In order to protect the adjoining trees.

- 2 - Upon removal of the tarmac and sub-stone a suitable material shall be placed and graded in that area in a manner to be agreed in writing with the local planning authority within 1 month of the tarmac and sub-stone being removed.**

Reason: In order to protect the adjoining trees.

- 3 - Within 3 months of the date of this permission a tree survey with remedial works for the trees adjacent to the southern and western sides of the building shall be submitted for approval in writing of the local planning authority and the works undertaken within 2 months of approval unless otherwise agreed in writing with the local planning authority.**

Reason: In order to protect the adjoining trees

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

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

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

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

- 6 - E06 (Restriction on Use) (used for warehousing for the storage and display of motor vehicles for sale)**

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

Informative:

1 - N15 (Reason for grant of PP)

Hereford and Worcester County Structure Plan

Policy CTC9 – Development Requirements

Policy E6 – Industrial Development in Rural Areas

Malvern Hills District Local Plan

Employment Policy 7 – New Building Employment in the Open Countryside

Employment Policy 10 – Expansion on Industrial Sites

Transport Policy 11 – Traffic Impact

Transport Policy 14 – Petrol Filling Stations - Existing

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8. DCNE2003/3843/F - DEMOLITION OF EXISTING BUNGALOW, REPLACEMENT WITH NEW BUNGALOW GARAGE & CARPORT AT SUNSET VIEW, CRESCENT ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6QW

**For: Mr & Mrs D & E Hallam per Morton Rosemead
Ewendine Lane Colwall Nr Malvern WR13 6DT**

Date Received: 22nd December 2003	Ward: Hope End	Grid Ref: 75421, 42513	Expiry Date: 16th February 2004
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Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 The site is located on the northern side of Crescent Road off Walwyn Road in the centre of Colwall. Currently occupying the site is a modestly sized brick bungalow of around 80 square metres in footprint sited in the south western corner. The bungalow has not been occupied for some time and as a result is in a relatively dilapidated condition. The site is entirely enclosed by existing residential development largely comprising detached bungalows and dwellings and a pair of semi detached properties immediately south of the site. Vehicular and pedestrian access can be gained off Crescent Road with grounds levels falling within and surrounding the site from south to north. The majority of the boundaries are enclosed by existing mature and semi mature trees/hedges other than the southern boundary, which has a larch lap fence. The site lies within the settlement boundary for Colwall and is also within Malvern Hills Area of Outstanding Natural Beauty and an Area of Great Landscape Value.
- 1.2 The applicants propose to demolish the existing bungalow and replace it with a larger two bedroom bungalow sited more centrally within the plot. Also proposed is a detached single car garage and carport sited around 5 metres north of Crescent Road in the access to the site.

2. Policies

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas
H18 – Housing in Rural Areas Outside the Green Belt
CTC1 – Areas of Outstanding Natural Beauty
CTC2 – Areas of Great Landscape Value
CTC9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Housing Policy 18 – Tandem and Backland Development
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

S3 – Housing

H4 – Main Villages Settlement Boundaries

H13 – Sustainable Residential Design

H14 – Re-Using Previously Development Land and Buildings

H16 – Car Parking

LA1 – Areas of Outstanding Natural Beauty

LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

NE2003/2548/F – Demolition of Existing Bungalow and Replacement with new Bungalow, Garage and Car Port – Application withdrawn on 8/10/03.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transportation – no objections subject to conditions.

5. Representations

5.1 Colwall Parish Council do not object to the principle of development on the site but make the following comments:

1. Consideration should be given to the creation of a turning circle to avoid the need for reversing vehicles into Crescent Road.
2. Obscure glass should be used for the west facing skylight to protect privacy of neighbours.
3. The angle of the building footprint should be changed in order to minimise the developments impact of immediate neighbours e.g. the close proximity of the development to certain neighbour's boundary.

5.2 Three letters of objection have been received from:

Alice Eden & Graham Johnston, 29 Crescent Road, Colwall

Mr & Mrs Gould, 1 The Crescent, Colwall

Mr and Mrs N Morley, Little Jalna, 3 The Crescent, Colwall

The main points raised are:

1. The proposal would overshadow our properties have a marked impact on our privacy, light, aspect and inevitably mean an increase in noise.
2. The bungalow is bigger in every dimension, considerably higher and to include dormer bedrooms, which will affect my neighbour's privacy and mine.
3. The proposal is clearly backland development and is not to be built within the existing building line.
4. The dwelling will back onto four existing properties from both the front and back aspects leading to a loss of privacy.

5. The nearest part of the existing bungalow is some 50 feet from our property but the proposed bungalow will virtually abut our boundary meaning an overbearing intrusion of our living quarters.
 6. The garage would give us the feeling of being hemmed and would affect our view from our side window. We feel that it should be constructed at a lower level, further back and designed for use for only one car.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This application was submitted following the withdrawal of an earlier application in October last year for a similar proposal. Since the previous withdrawal amendments have been agreed including:
1. The re-positioning of the bungalow slightly further from the northern boundary of the site.
 2. Reduction in the width of the bungalow by 650 mm.
 3. Reduction in the length of the bungalow by 650 mm.
 4. Reduction in the slab level of the proposed bungalow to ½ metre below that of the existing bungalow.
 5. Reduction in the slab level of the garage and carport.
 6. Redesign of the bungalow including the removal of the window serving the viewing gallery on the southern elevation and agreement for all windows on the northern elevation to be obscure glazed.
- 6.2 The site falls within the settlement boundary for Colwall where the principle of residential development is acceptable. What can be regarded as acceptable development for the site is largely dictated by the existence and scale of the existing bungalow, the site dimensions and proximity to other neighbouring properties, which largely surround the site.
- 6.3 The scale of the bungalow has now been reduced so it is more commensurate with the size of the existing bungalow on site. In particular, the footprint of the proposed bungalow amounts to around 90 square metres whilst the footprint of the existing bungalow is around 80 square metres. The slab level is to be half metre below that of the existing bungalow which results in a total height increase of around 400 mm increase. It is therefore considered that the size of the bungalow is appropriate for the site and in keeping with the scale of other properties in the locality.
- 6.4 The privacy and general amenity of surrounding properties has also been respected through the siting and design of the bungalow. Frosted glass is proposed for all windows on the northern elevation. The reduction in the site levels will also ensure the bungalow does not appear overbearing from the north whilst the outlook from a southerly aspect will largely be towards existing boundary fence/hedge. As such there will be no direct overlooking of any adjacent properties and consequently no unacceptable loss of privacy for surrounding neighbours.

- 6.5 The bungalow is to be sited closer to the northern boundary but consequently further away from the southern boundary. The re-siting will not result in any unacceptable loss of light for the bungalows north of the site particularly as a relatively shallow hipped roof design is proposed. The garage is acceptable now that it is to be constructed at a lower level and the Transportation Officer raises no objection to the proposed access and garage arrangements.
- 6.6 The scale, siting and design of the new bungalow is therefore considered satisfactory and will ensure that the privacy and general amenity of neighbouring properties is safeguarded. The development is therefore acceptable in accordance with the relevant Development Plan policies.

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)(3rd February 2004)**

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

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

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

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

Reason: To safeguard the amenities of the locality.

- 5 - E19 (Obscure glazing to windows)(all windows on north elevation)**

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

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

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

- 7 - H04 (Visibility over frontage)**

Reason: In the interests of highway safety.

- 8 - Prior to commencement of the development details of the method and site for the disposal of all waste materials arising from the demolition of the existing bungalow shall be submitted in writing for the approval of the local planning authority. The demolition shall be carried out in accordance with the agreed details.

Reason: In order to ensure the appropriate disposal of waste materials.

Informatives:

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

Hereford and Worcester County Structure Plan
 H16A – Housing in Rural Areas
 H18 – Housing in Rural Areas Outside the Green Belt
 CTC1 – Areas of Outstanding Natural Beauty
 CTC2 – Areas of Great Landscape Value
 CTC9 – Development Requirements

Malvern Hills District Local Plan
 Housing Policy 3 – Settlement Boundaries
 Housing Policy 18 – Tandem and Backland Development
 Landscape Policy 2 – Areas of Outstanding Natural Beauty
 Landscape Policy 3 – Development in Areas of Great Landscape Value

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9. DCNC2003/3755/F - UPGRADE AN ACCESS TRACK TO A STONE SURFACE AT THE TACK FARM, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ**For: Ms K Kawczynski , at the same address.****Date Received:
15th December 2003****Ward:
Frome****Grid Ref:
59823, 49235****Expiry Date:
9th February 2004**

Local Member: Cllr R Manning

1. Site Description and Proposal

- 1.1 Tack Farm lies to the south of Ullingswick on the C1118 approximately 6 miles to the south-west of Bromyard. Bridleways MJ1 and UW10 run into and cross the application site.
- 1.2 Tack Farm comprises a farmhouse together with a group of farm buildings of various sizes and designs.
- 1.3 The redundant farm buildings were converted recently to provide stabling in association with a livery business which included the formation of a new schooling area and ancillary activities.
- 1.4 The current proposal only relates to the proposed re-surfacing of existing tracks which cross the farm. The proposal is to excavate to 300mm deep and infill with stone and top with ¾ inch to dust stone.

2. PoliciesMalvern Hills District Local Plan

Landscape Policy 7 agricultural and forestry buildings and roads

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1 Design

Policy DR4 Environment

Policy LA2 Landscape Character and areas least resilient to change

3. Planning History

NC2001/2391/F Conversion of existing farm buildings to stables, livery yard and saddlery. Formation of 20m x 40m schooling area. Approved 21 November 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: no objections to the proposed development but notes if works take place near a watercourse care must be taking to ensure protection against pollution, silting and erosion. Any culverting or damming of a watercourse requires prior written approval.
- 4.2 Forestry Commission: the proposal will have no effect on the woodland and consequently no comment.

Internal Council Advice

- 4.3 Head of Engineering and Transportation: No objection.
- 4.4 Public Rights of Way Manager: The proposed development would appear to affect public bridleways MJ1 and UW10. It is confirmed that prior authorisation has been granted by the Highways Authority to surface the bridleway (PROW/386-10/TDT dated 25 July 2003). It is recommended that the application should be subject to conditions relating to drainage of the new surface, provision of temporary alternative route during development work. Further conditions are recommended regarding safeguarding the safety of users of the bridleway by use of signage and restricting vehicular access.

5. Representations

- 5.1 Ocle Pychard Group Parish Council set out a detailed response expressing their concern regarding the proposed development which has been copied in full as appendix 1.
- 5.2 Much Cowarne Parish Council considered much further investigation and consultation is necessary before Northern Planning Services can properly consider this application. Their detailed response has been copied in full as appendix 2
- 5.3 The Ramblers Association: consider that the proposal will materially alter the character of the bridleway, but accept that in practical terms efforts are required to ensure all users of the bridleway can do so in reasonable safety. Suggest that character of the bridleway should be retained as much as possible and that without compelling reasons the section from Tack Farm track to unclassified road should remain unchanged. They also query opening up further footpath links, the likely further use of the bridleway associated with events and likely traffic issues that could result.
- 5.4 Letters of representation have been made by
- G.H Spenser, Dora Cottage, Ullingswick
 - Mr. Mrs M.P.D Daly, Ballgate, Ullingswick
 - Mrs. J. Clainey, Broxash Cottage, Ullingswick
 - Mr. K G Rushgrove, c/o Tidmore Cottage, Ullingswick
 - Mrs. H Evans, 110 Ecroyd Park, Credenhill
 - Mr. D J Rushgrove, 40 Ter Rue Des, Ursulines, France
 - Mr P Perry, Sheeppotts Court, Ullingswick
 - Ms R Brown, Woodhill Cottage, Ullingswick

- Mr C & M Wilson, The Old Rectory, Ullingswick
- Mrs C Lewis, The Old Barn, Hillhampton, Burley Gate
- Mrs L E Duthy-James, Thornfield, Ullingswick
- Mrs S J Birch, Burley Gate Farmhouse, Birley Gate
- The Morgan Family, Hathways Bungalow, Burley Gate
- Wg Cdr L F Whittingham OBE & Mrs Whittington, Blue Cedars, Ullingswick
- Mr & Mrs D Bedwell, Greencroft, Ullingswick
- Mrs S Champness, The Oast House, Ullingswick
- Helen Spencer, Goldwell, Ullingswick
- Mr B & Mrs J M Bridges, Townsend House, Ullingswick
- Mr Mrs Bayliss, Bleak House, Ullingswick
- Mr N G & Dr J Stevens, Fairview, Ullingswick
- Mr Mrs Grundy, Old School House, Ullingswick
- Dr A K Barlow, Hillview, Ullingswick
- Mr Mrs Fisher, Tidmore Cottage, Ullingswick

5.5 The main areas of concern are:

Issues relating to existing bridleway:

- Previously impassable in wet weather due to heavy usage by contractors and landrover, associated with Tack Farm.
- Its condition has now recovered together with wild flowers.
- Existing surfacing more than adequate.
- Proposed surface is yet more creeping urbanization in this beautiful part of rural Herefordshire.
- Softer ground, rather than stone is the preferred surface for walker, riders and dogs.
- Will result in destruction of perfectly good bridleway.
- This is a frequently used route, with exceptional views.
- Likely to be an increase in use of the route by vehicles.
- Security to nearby properties would be compromised.
- Potential use of track by trade stands, caterers and ambulances, associated with events taking place at Tack Farm.
- Potential danger of horses jumping over bridleway.
- Request extension of bridleway to link up to other footpaths on the farm.
- Stoning the track will limit local horse riders being able to ride at a faster pace i.e at canter.
- Accuracy of application documents queried regarding use of land, impact on public right of way and disposal of waste material.

Impact on local environment:

- Large amount of waste material generated by development
- Detrimental effect on watercourses of run-off from surface material
- Large number of lorries bringing aggregates to the site

Countryside/ amenity:

- Will destroy habitat purely for commercial reasons
- Negative impact on the environment and community as a whole

- 5.6 Other issues were also raised within letters of representation regarding equestrian activities and events, which have been taking place at the site. These concerns have been passed to the Council's enforcement officer for further investigation. They are, however, not directly relevant to the determination of this application, and consequently not listed.
- 5.7 The applicant has submitted a statement, stating that the proposal is to upgrade an existing track, which provides access from the main farm buildings to the fields around the rest of the property. The work is considered crucial to the operation of the farm. The track has become heavily waterlogged making passage of people, animals and vehicles dangerous and impossible for the majority of the winter. Eight letters expressing their support for the proposed works accompanied the statement. These refer to the problems of accessing nearby fields in the winter months and potential hazard that this represents to both people and horses.
- 5.8 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 principal issues which relate to the determination of this application are:-
- impact on existing bridleway and its usage
 - impact on landscape character of the area
 - impact on surrounding area

Impact upon bridleway:

- 6.2 The proposed re-surfacing of the existing bridleway and farm track will not restrict access or usage of the publicly accessible parts of the route. There is a legal requirement to safeguard the width and route of a bridleway and the Public Rights of Way Manager is satisfied that the proposed works, subject to conditions will not adversely affect the historic route.
- 6.3 It is intended that use of the bridleway will be restricted to farm vehicles and tractors involved in servicing the surrounding land and bringing hay to the fields. Horses will also be brought along the routes, as has been done in the past thus avoiding use of the adjacent highway.
- 6.4 The track will also be a route for use by emergency vehicles in the event of an accident. It is not intended however that any members of the public associated with activities at Tack Farm will use the bridleway to gain vehicular access to the site.
- 6.5 Additional signage is required at the access point to Tack Farm site to ensure the safety of both riders and pedestrians.
- 6.6 The change in surface material should not adversely affect the usage of the track and subject to satisfactory drainage arrangements to prevent waterlogging and damage to the new surface, should ensure full access all year round.

- 6.7 With regard to holding equestrian events in close proximity to the public bridleway, the Public Rights of Way Manager has raised no objection in principle. This is subject to the applicant being informed of the need for additional signage and stewarding and that the bridleway is kept free of obstruction all to ensure the safety of users.

Impact on landscape character of the area:

- 6.8 The finished surface material of stone topped with dust stone incorporates natural materials appropriate to the area.
- 6.9 The upgrading works are to existing tracks and routes, which are bounded in part by native hedgerows which provide a degree of screening for the proposed development. As such it is not considered that the proposed works would be harmful to the character or appearance of the area.

Impact on surrounding area:

- 6.10 Subject to conditions restricting vehicular access along the bridleway the impact on the surrounding area should be minimised. The activities associated with the adjacent equestrian business do not fall for consideration within the current application and can be undertaken without the need for a formal application, on the basis that they take place for no more than 28 days in total in any calendar year. The applicant has, however, confirmed that access to Tack Farm for members of the public is restricted to the main farm entrance and that there is no public right of way to access from the highway along to the bridleway.

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 - Prior to the commencement of any of the development hereby approved details of the land drainage associated with the re-surfaced track shall be submitted to and approved in writing by the local planning authority. Provision should be made to incorporate drainage channels cut at angles across the track at regular intervals**

Reason: To minimise run-off and control erosion.

- 3 - Prior to the commencement of the development hereby approved details of the following advisory signage shall be submitted to and approved in writing with the local planning authority:**

i) warning signs to be placed at either end of the bridleway to advise users that an equestrian event is taking place.

ii) warning signs at the point where any horse jump crosses the bridleway to warn bridleway users of the presence of the jump.

iii) these signs must be removed upon completion of the event.

Reason: In the interest of public safety and to safeguard the use of a public bridleway.

- 4 - The bridleway must not be obstructed in any way by activities associated with the equestrian event.

Reason: In the interest of public safety and to safeguard the use of a public bridleway.

- 5 - Vehicular access along the bridleway should be restricted to Tack Farm vehicles servicing the land and emergency vehicles only and must not at any time be used for general event traffic.

Reason: In the interest of public safety and to safeguard the use of a public bridleway.

- 6 - Any horsejump with an approach or exit route crossing the line of the public bridleway, must only be used in connection with an organised equestrian event. In such cases, safety stewards must be provided to ensure safe and unhindered passage to users of the public bridleway.

Reason: In the interest of public safety and to safeguard the use of a public bridleway.

- 7 - Prior to the commencement of any of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) disposal of waste material both on and off site
- ii) route for aggregate delivery lorries

The details as approved shall thereafter be carried out in their entirety in accordance with the approved details.

Reason: In the interest of visual amenities, highway safety and amenities of local residents.

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP.
Landscape Policy 7 - Agricultural and Forestry Buildings and Roads
- 2 - A suitable temporary alternative bridleway route should be provided (in consultation with the PROW area warden) during the development works. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from this department, preferably 6 weeks in advance of work starting.
- 3 - The right of way should remain at its historic width on completion of the works.

- 4 - The applicants should ensure that they hold lawful authority to drive over the registered right of way.

- 5 - Any culverting or damning of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Watercourse Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

OCLE PYCHARD GROUP PARISH COUNCIL

Parish Clerk

The Old School House
 Burley Gate
 HEREFORD
 Herefordshire
 HR1 3QR

26th January 2004

Dear Sirs,

**Planning Application DCNC2003/3755/F
 Tack Farm, Ullingswick**

The Ocle Pychard Group Parish Council Meeting of the 20th of January, combined with that of Much Cowarne Group, was the best attended for several years and was addressed by a number of residents of Ullingswick. All were against the above application. Quite apart from those Villagers who spoke in person, Councillors received additional letters, telephone calls and personal representations along the same lines. It would be fair to say that the majority of the people of Ullingswick are against the planned upgrade of the access track to a stone surface.

The letters received to date are enclosed for your information. Some have already been sent to you directly, but I would ask you to consider the comments made in them.

Dealing specifically with the track itself, the main objections were as follows:

- a) The proposed upgrade is over and above the standard required and there is a query as to how the expense can be justified. A good part of the 'grass/mud track' is a bridle path, first and foremost, and should be retained for this purpose. If access from the main farm buildings to the surrounding fields is required, then it is felt that a tractor or similar vehicle would do the job quite adequately. The Oxford English Dictionary defines a bridle path as a 'rough path or road, fit only for riders or walkers, not vehicles'.

The applicant states that the Rights-of-Way Officer wishes to see the path upgraded, but Mr Thompson has said in a letter that the condition of this path is no worse than others in the area at this time of the year. It is believed that the applicant is making selective use of parts of that letter. If ever the path does happen to be in poor condition, it is because of excessive use by vehicles. If used for its original purpose it would be fine.

- b) It is noted that jumps have been installed alongside the bridle path, on part of Tack Farm, and that horses negotiating them would land on the path itself. Access to the path by walkers should be free and uninterrupted.
- c) Despite the statement by the applicant, residents regard the bridle path as being in good condition. They believe that grass is a perfectly acceptable surface and do not believe that an upgrade is necessary.
- d) An upgraded path would lead to worse drainage problems as a stone surface would impede the run-off of surface water. It is understood that a water tank on Tack Farm, used for feeding the horses, often overflows and is itself a cause of muddy conditions along the bridle path.

There are other factors which, although not directly concerned with the path itself, should be considered when dealing with the application.

- e) "Access to the show field needs to be improved in order for Tack Farm to be taken seriously as a show venue". This would suggest that, rather than making 'changes crucial to the operation of the Farm', the upgraded path is intended primarily as an entry point for 'trade stands, caterers and ambulances'. The farm already has a main entrance that can be used by such vehicles.

Tel: 01432-820074.

E-mail: "parish clerk"<ocle_pychard_group_pc@yahoo.co.uk>

- f) One of the main objections by residents concerns the increase in traffic that could result from improved access following the upgrade of the Bridle Path. The condition of the roads in Ullingswick has been the subject of concern for some years, and it is felt that they are not designed for use by a large number of cars, heavy vehicles and horseboxes. The main roads through the village are certainly not wide enough for two-way traffic of this kind. Parking facilities at Tack Farm are such that vehicles are often left parked at the side of the road after drivers have failed to find a space off-road.
- g) Tack Farm has developed far beyond what was expected by Villagers when planning permission was first granted. Residents report unacceptable pollution caused by noise, floodlights and excessive traffic on days when functions are being held. It is believed that, in line with the first sentence of paragraph (e), the intention is to transform Tack Farm into a National or International eventing showground. Complainants object to any further developments, such as the upgraded path, that will assist in this transformation.

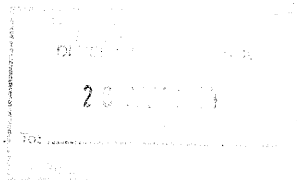
On behalf of the clear majority of the people of Ullingswick, the Parish Council seriously objects to this proposal and would ask for it to be refused.

Yours sincerely,

M. R. Field

M R Field

County of Herefordshire District Council
Northern Planning Services
PO Box 230
Blueschool House
Blueschool Street
HEREFORD
HR1 2ZB



Tel: 01432-820074.

E-mail: "parish clerk"<ocle_pychard_group_pc@yahoo.co.uk>

Response by Much Cowarne Group Parish Council to application DCNC2003/3755/F

The Much Cowarne Group Parish Council has consulted the parishioners who live near Tack Farm and there is unanimous opposition to the conversion of 485m of bridleway (MJ1) to a road capable of carrying heavy motor vehicles. Such a development would enable and encourage use of the bridleway for motor vehicles, which would be detrimental to its utility for walkers and riders and would increase the nuisance and possibly increase the risks of accidents. It would also destroy the natural surface, which is currently highly suitable for access by walkers and riders and has the benefit of wild flowers. Furthermore the Parish Council considers that the conditions applied to Tack Farm in its operation as a stables, livery yard and saddlery are currently being contravened in several respects. Until the alleged contravention has been resolved it is believed that Hereford Council would be acting irresponsibly were it to consider this latest application.

Additional points regarding the application

Point 10 "access"

Application claims "no alteration"

Converting the bridleway to a road will in effect alter the access to the village lane near to Tidmore Cottage. The resulting road will undoubtedly raise the level of traffic entering and or exiting at this road access. The highways department should be consulted and the ownership and rights concerning the existing road access by Tidmore Cottage requires research before consent is given.

Point 11 "Public Right of Way"

Application claims "no alteration"

This claim is incorrect – as you can see from above the road building will severely affect the bridleway.

Point 12 "waste"

Application claims all soil and clay waste will be disposed of. A gross calculation leads to an estimate of 900 cubic meters (approximately 80 lorry loads of waste). Details are needed regarding the disposal of this waste.

Supporting Letter

In Mrs Kawczynski's supporting letter she refers to complaints from the public regarding the condition of the bridleway. The local residents confirm that there were complaints made last winter and the poor condition of the bridleway was entirely due to Tack Farm contractors erecting paddock fencing along the whole length of the bridleway. Insufficient care had been taken of the bridleway. It is evident that motor vehicle access to the bridleway has been limited this winter and the condition is good for the time of year. In Mrs Kawczynski's supporting letter she speaks of the condition of the tracks last winter being so bad that her Land Rover almost tipped over on several occasions. This is very hard to believe as the gradients on the tracks are not particularly steep.

Please provide this Parish Council with copies of the supporting documents submitted by Tack Farm owners.

Viz:

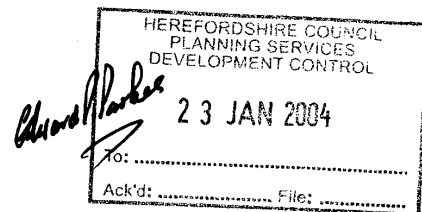
Letters of support

Letter from DEFRA

Letter from Alison Dawes

Letter from the Rights of Way Officer

End of comments. E P Parkes (Clerk), 21.01.2004.



10. DCNC2003/3805/F - REFURBISHMENT & EXTENSION TO EXISTING CONVENIENCE STORE AT HATTON PARK STORES, HATTON PARK, BROMYARD, HEREFORDSHIRE**For: Mr M Cockayne per Amber Project Management Ltd, c/o 27 High Street, Bromyard HR7 4AA****Date Received:**
19th December 2003**Ward:**
Bromyard**Grid Ref:**
64658, 54343**Expiry Date:**
13th February 2004

Local Member: Councillors P Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 Hatton Park Stores is located on the south side of the A44, almost opposite Panniers Lane, Old Road, and A44 crossroads. Hatton Park, a private road, runs along the eastern side of the shop. The shop is also occupied by a Chiropractor and hairdressing salon. There is vehicle parking to the front of the shop, and storage area along the western boundary of the site. The site is located in a residential area, and within the town boundary of Bromyard as shown on Inset Map No. 13.0, Bromyard in the Malvern Hills District Local Plan.
- 1.2 The application proposes the refurbishment and extension of the stores; replacing the storage area on the western side to provide additional retail space, replacing the hairdressing salon with a cold room and toilets, and a single storey store to the rear of the former hairdressing salon, which is to be used by the applicant for domestic storage purposes.

2. Policies

2.1 PPG6: Town centres and retail development

2.2 Malvern Hills District Local Plan

Shopping Policy 7: Retail development outside the principal shopping and commercial areas

Shopping Policy 9: Local shopping provision

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

TCR2 – Vitality and viability

TCR13 – Local and neighbourhood shopping centres

3. Planning History

MH91/1459 - Single storey extension to enlarge hairdressing salon. Approved 10 December 1991.

MH93/0583 - Extensions. Approved 3 August 1993.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Environmental Health: "No comment."

5. Representations

5.1 Bromyard and Winslow Town Council: 'Council agreed unanimously to object to this application on the grounds that the site of the extension of the store room is accessed only by a private cul-de-sac and the proposed extension and refurbishment would cause increased obstruction and parking in Hatton Park Road and loss of parking already available for the Stores.'

5.2 The Town Council has also forwarded letters of objection from:

Mrs T Preece, 10 Hatton Park, Bromyard
L R Edwards, Lyndhurst, 1 Hatton Park, Bromyard
W Wood, 4 Hatton Park, Bromyard
D L Davies, Ashfield Croft, 19 Hatton Park, Bromyard

- a) The extension will be on to a very limited area which will inevitably mean a loss of car parking.
- b) The extension will be close to Hatton Park.
- c) The extension will be an infringement on my privacy and goods delivery will be a noise nuisance.
- d) Hatton Park is a private road and is regularly used for parking by customers to the shop.

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 Small local shops form an important role in meeting local shopping needs and it is the objective of shopping policies to ensure that the availability of shopping opportunities for all members of the community exist.

6.2 This application proposes the refurbishment of a local shop, increasing the retail floor space by some 71m². The increase in size of the shop will safeguard this local shopping provision and reduce the need to travel by car to other shopping centres. However, it is acknowledged that increasing the size of the retail area will attract more passing trade by those travelling the adjoining A44. In terms of parking, the Head of Transportation has raised no objection to the application but in doing so has justified his comments by saying that "Herefordshire Council standards indicate that there should be 13 spaces for the extended store gross floor area. The applicant proposes

11. In view of the standards now being seen as maximum, and current policy regarding the promotion of sustainable modes by the restriction of parking provision, this level of parking is considered to be acceptable.”

6.3 A further contributory factor to parking problems, as highlighted by the Town Council and the 4 letters from neighbours, is caused by the applicant’s practice of displaying bulky goods, plant pots, garden ornaments etc. on the car park. Inevitably, this reduces the amount of space for customers and delivery vehicles to park. This in turn leads to vehicles parking in Hatton Park, which is a private road and not a public highway, causing nuisance to the residents of Hatton Park. Given the problem of parking in this area, it is recommended that a condition restricting the car park be used for this purpose only, without any outside storage including the display of items for sale.-

6.4 In terms of visual appearance, the alterations are considered acceptable so as not to cause any demonstrable harm to the local environment.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans) (23 January 2004)

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 - H15 (Turning and parking: change of use - commercial) (11 cars)

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

Informative:

**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
Malvern Hills District Local Plan
Shopping Policies 7 and 9**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

11. DCNC2003/3817/F - CONSTRUCTION OF TWO DETACHED COTTAGES AT PLOT 4, LAND TO THE REAR OF THE BALANCE INN, LUSTON, LEOMINSTER. HR6 OBE

**For: Mr S Bengree per Mr N La Barre 38 South Street
Leominster Herefordshire HR6 8JG**

Date Received:
4th September 2003

Ward:
Upton

Grid Ref:
48681, 63149

Expiry Date:
30th October 2003

Local Member: Councillor J Stone

1. Site Description and Proposal

1.1 The site is located to the north-west of Oaklands and Novem House, two newly constructed dwellings, and to the rear of The Balance Inn. The site is located in the settlement boundary of Luston and within the Luston Conservation Area. Access to the dwellings will be off the access road to The Balance Inn and Oaklands.

1.2 The proposal is for two 3-bedroomed dwellings each with single garages.

2. Policies

2.1 PPG3: Housing
PPG15: Planning and the Historic Environment

2.2 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
A2 – Settlement Hierarchy
A21 – Development within Conservation Areas
A24 – Scale and Character of Development
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

HBA6 – New development within Conservation Areas
DR1 – Design
S3 – Housing
H4 – Main villages: Settlement Boundaries

3. Planning History

91 453 - Four houses with garages. Approved 18.9.91.
NC2002/1155/F - Two dwellings. Approved 12.6.02.
NC2003/2690/F – Two detached dwellings. Withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Head of Engineering and Transport: No objection

4.3 Head of Conservation: No objection subject to conditions.

5. Representations

5.1 Luston Parish Council: 'The majority of the members object to this proposal. Land has been purchased from the neighbouring 'Laburnum House' to extend the plot. The view from the members is that this is backland development and will not enhance the village that is linear in characteristic. There is concern that the site is being over developed. Access to the plot is very restricted with very little splay onto the main road.'

5.2 Letters of objection received from:

B Bett, The Red House and the Old Post Office, Luston
Mrs E Jones, Laburnum House, Luston
S & H Hayday, Tudor House, Luston

The main points raised:

- a) It will impact on my privacy and daylight.
- b) The previous application for 5 houses on this site was refused.
- c) Access is unsuitable to serve the Balance Inn and this application.
- d) It will affect a site of archaeological interest.

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

6. Officers Appraisal

6.1 This site is located in the settlement of Luston, as shown on Inset Map No. 6 in the Leominster District Local Plan where small-scale development will be permitted subject to criteria listed under Policy A1, scale and impact of the development on the character of the area and safe access.

- 6.2 Planning permission has been granted for a dwelling on this site as part of planning permission NC2002/1155/F, which was for 2 houses to be built on, plots 3 and 4. This application is for two houses to be built on plot 4.
- 6.3 The planning permission granted under NC2002/1155/F established the principle of development on this site. Therefore, the determining factors in this application are the impact these two houses would have on the character of the area, amenity and traffic implications.
- 6.4 The site is located in the Luston Conservation where special attention to the desirability of preserving or enhancing the characteristics of the area must be given. In this respect, the Chief Conservation Officer considers that normally there would be some resistance to this amorphous type of development in a Conservation Area – there is nothing here that acknowledges the character of Luston – but given the fact that the site is surrounded by similar development and is partly hidden from the road, there can be no objection. The siting of the dwellings achieves adequate separation distance from neighbours to protect levels of privacy and overlooking.
- 6.5 Access to the site is off a narrow unmade private road, which also provides access to the Balance Inn, Oaklands, Novem House and The Red House. While this application is to amend a previously approved scheme which proposed one house on this plot to two, it will have highway implications in that the number of dwellings off this private road will increase to six, including the outstanding planning permission on plot 3, seven if you include the residential element at the pub. However, the Transportation Manager comments that whilst it would be advantageous to restrict private drives to five dwellings only, it is not in itself a valid reason to oppose this application.
- 6.6 Accordingly, the proposal is considered to be acceptable in terms of policy contained in the Leominster District Local Plan and in the interests of highway safety.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - A12 (Implementation of one permission only) (NC2002/1155/F) (12 June 2002)**

Reason: To prevent over development of the site.

Informative:

1. N15 (Reasons for granting pp)

Leominster District Local Plan (Herefordshire)

A1 - Managing the District's Assets and Resources

A2 - Settlement Hierarchy

A21 - Development within Conservation Areas

A24 - Scale and Character of Development

A54 - Protection of Residential Amenity

A55 - Design and Layout of Housing Development

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12. DCNC2004/0014/F - CHANGE OF USE OF EXISTING SHOP TO HOT FOOD TAKE-AWAY PIZZA/KEBAB RESTAURANT AND NEW RENDERED ENCLOSURE FOR EXTRACT DUCT AT 3 CRUXWELL STREET, BROMYARD, HEREFORDSHIRE, HR7 4EB

For: Mr T Acar per Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA

Date Received:
5th January 2004

Ward:
Bromyard

Grid Ref:
65330, 54740

Expiry Date:
1st March 2004

Local Members: Councillors P J Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 Vacant ground floor shop unit to a 3-storey Grade II Listed building between Whitehorse Public House, which is also vacant, and the Leisure Centre. The site is located in a secondary shopping frontage and the Bromyard Conservation Area. There are residential flats above and to the rear of the shop. On the opposite side of the road are shops and a café.
- 1.2 The application is for the change of use only of the shop unit to A3 hot food takeaway. An extract flue duct is proposed to be located on the north east elevation of the building.

2. Policies

- 2.1 PPG 6 – Town Centres and Retail Developments
PPG 15 – Planning and the Historic Environment

2.2 Malvern Hills District Local Plan

Shopping Policy 1 – Shopping Hierarchy
Shopping Policy 2 – Principal Shopping and Commercial Areas
Shopping Policy 3 – Restrictions on Development within the Principal Shopping and Commercial Areas
Shopping Policy 5 – Secondary Shopping Frontages
Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 9 – Alterations and Extensions to Listed Buildings
Conservation Policy 10 – Alternative Uses for Listed Buildings

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

HBA1 – Alterations and Extensions to Listed Buildings
HBA3 – Change of Use of Listed Buildings
HBA6 – New Development within Conservation Areas
TCR4 – Secondary Shopping Frontages
TCR6 – Non Retail Uses (Classes A2 and A3)

3. Planning History

NC2003/1272/F Change of use to A3 License (hot food takeaway). Refused 16.9.2003

4. Consultation Summary

4.1 None.

5. Representations

5.1 Bromyard and Winslow Town Council raise no objection to the application.

5.2 Letters of objection have been received from:

A. Seldon, 84 Old Road, Bromyard
Mr L Hemsley, 4 Cruxwell Street, Bromyard
MC Ewing, 5 Cruxwell Street, Bromyard
Mr and Mrs Forrester, 6 Cruxwell Street, Bromyard

who make the following points:

- a) Noise nuisance – we already have constant problems with another takeaway about 25metres from this application.
 - b) During many nights, in particular at weekends crowds of rowdy people mainly youths loiter around the takeaway and nearby residences including mine creating unacceptable noise levels, vandalism and bad behaviour.
 - c) My family rarely has a full nights sleep. I am particularly affected, as the business I run requires me to rise 5am (newsagent).
 - d) The application site is situated on a narrow street at probably the busiest road junction for vehicles and pedestrians in Bromyard.
 - e) The parking around the proposal is worse than the previously mentioned takeaway, which is usually illegal and chaotic between 1700 – 1900 hours.
 - f) This proposal unlike a residential property does not provide any parking.
 - g) All takeaways have litter problems caused by unthinking and unreasonable customers.
 - h) We already have to put up with the smell from the present takeaway which may be acceptable to increase one's appetite when passing by but the constant smell emanating from a takeaway six days a week creates smell pollution a to be offensive.
- 5.3 The Flying Pig Pizza, 28 High Street, Bromyard, is concerned that it would put them out of business.
- 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 application has been submitted following the refusal of an earlier application for an A3 takeaway use, NC2003/1272/F refers, the application was refused for the following reason:

“The proposal would be contrary to Shopping Policy 5 of the Malvern Hills District Local Plan in that the proposal would be likely to give rise to noise disturbance and smell that would adversely affect the residential amenities of surrounding dwellings.”

- 6.2 Following the refusal of this application the applicant has been in consultation and negotiation with the Environmental health Officer in respect of potential nuisance from cooking smells and noise nuisance. This application proposes to extract cooking smells by way of an external flue system and restrict business hours to no later than 11.00pm.
- 6.3 The site is located in a secondary shopping frontage as shown on inset map no.13.1 Bromyard in the Malvern Hills District Local plan. Within this area Shopping Policy 5 is considered appropriate. Secondary shopping frontages are areas characterised by a mix of retail and service uses, which are important to the overall function of the town. It is also an area where A3 uses can be permitted except where they would adversely affect, either by themselves or cumulatively the vitality and viability of an area or the residential amenity of neighbours by reason of vehicle generation, noise, smell, operating areas or general activity or jeopardise highway safety. This is also recognised in PPG6.
- 6.4 In terms of its cumulative impact, there are already A3 uses in the locality, a café opposite the site, a Chinese takeaway at the junction of Tenbury Road and Old Road and the vacant Whitehorse Pub. However, it is not considered a further A3 use would have a detrimental cumulative impact on the vitality or the viability of the secondary shopping frontage. The issue of competition with other similar uses is not a planning consideration.
- 6.5 It is acknowledged that A3 uses can potentially be a nuisance to the amenity of neighbours through nuisance of noise, cooking smells and operating hours. However, cooking smells can be alleviated by an efficient extract fan system and venting of the kitchen. It is further acknowledged that some odour will escape the filtration system even if the equipment is well maintained to a high standard. The extract fan is to be installed in an external flue on the north east elevation. The flue will be in an unobtrusive position that will not affect the character or appearance of this Listed building or to the character of the conservation area.
- 6.6 The local environment is characterised by a mix of uses, shopping, A3 uses and residential flats. It is also on a busy road close to a major road junction which leads to Bromyard Industrial Estate and retail stores. There are also double yellow lines along this side of Cruxwell Street. While the double yellow lines will prohibit parking, they will not deter all customers from parking outside the premises. It is human nature when buying hot food takeaways to park as close as possible to the premises which could cause a nuisance to other road users. Illegal parking is a matter for the police. The Transportation Manager has raised no objection to this application thereby considering such parking would not be detrimental to highway safety.

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 - The use hereby permitted shall not be open to customers between the hours of 11pm and 9am Mondays to Sundays.

Reason: To safeguard the amenities of the locality.

- 3 - 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.

- 4 - F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

Informative:

- 1. N15 (Reasons for grant of pp)

Malvern Hills District Local Plan

Shopping Policy 1 - Shopping Hierarchy

Shopping Policy 2 - Principal Shopping and Commercial Areas

Shopping Policy 3 - Restrictions on Development within the Principal Shopping and Commercial Areas

Shopping Policy 5 - Secondary Shopping Frontages

Conservation Policy 2 - New Development in Conservation Areas

Conservation Policy 9 - Alterations and Extensions to Listed Buildings

Conservation Policy 10 - Alternative Uses for Listed Buildings

Decision:

Notes:

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Background Papers

Internal departmental consultation replies

Document is Restricted

