

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 1st December, 2004**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

*Pete Martens, Members' Services, Tel  
01432 260248*

*e-mail [pmartens@herefordshire.gov.uk](mailto:pmartens@herefordshire.gov.uk)*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 3rd November, 2004.	1 - 16
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	17 - 18
5. <b>APPLICATIONS RECEIVED</b> To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.  Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
6. <b>DCNW2004/2886/F - CHANGE OF USE AND CONVERSION TO RESIDENTIAL USE AT KINTON BARN, KINTON, LEINTWARDINE, HEREFORDSHIRE &amp; DCNW2004/2887/L - AT THE SAME</b>  For: Downton Estate per Mr C F Knock, Tinkers Grove Cottage, The Deer Park, Eastnor, Nr Ledbury, HR8 1RQ  Ward: Mortimer	19 - 26

- |     |  |         |
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| 7.  | <p><b>DCNW2004/2895/F - CONVERSION OF FORMER METHODIST CHAPEL INTO DWELLING. MINOR EXTENSION TO SOUTHWEST CORNER OF EXISTING BUILDING AT THE METHODIST CHAPEL, BACON LANE, AYMESTREY, HEREFORDSHIRE, HR6 9ST</b></p> <p><b>For: Downton Estate per Mr C F Knock, Tinkers Grove Cottage, The Deer Park, Eastnor, Nr Ledbury, HR8 1RQ</b></p> <p><b>Ward: Mortimer</b></p> | 27 - 30 |
| 8.  | <p><b>DCNW2004/3347/F - PROPOSED REPLACEMENT DWELLING WITH NEW ACCESS AT KNOCK HUNDRED, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EF</b></p> <p><b>For: Dr. M A C Plant per Border Oak Design &amp; Construction Kingsland Sawmills Kingsland Leominster Herefordshire HR6 9SF</b></p> <p><b>Ward: Pembridge &amp; Lyonshall with Titley</b></p>                         | 31 - 34 |
| 9.  | <p><b>DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE</b></p> <p><b>For: Kington Building Supplies Ltd per Garner Southall Partnership, 3 Broad Street, Knighton, Powys, LD7 1BL</b></p> <p><b>Ward: Kington Town</b></p>                                     | 35 - 44 |
| 10. | <p><b>DCNE2004/3080/F - EXTENSION TO EXISTING ANNEXE TO PROVIDE TWO BEDROOM ACCOMMODATION AT ROYAL OAK INN, SOUTHEND, LEDBURY, HEREFORDSHIRE</b></p> <p><b>For: I P Martin per C A Masefield Building Design Services 66-67 Ashperton Road Munsley Ledbury Herefordshire HR8 2RY</b></p> <p><b>Ward: Ledbury</b></p>   | 45 - 48 |
| 11. | <p><b>DCNE2004/3268/F - REPLACEMENT DWELLING AT SLATCHWOOD, CODDINGTON, LEDBURY, HEREFORDSHIRE, HR8 1JN</b></p> <p><b>For: Mr &amp; Mrs C Williams-Hewitt per Design Build, Morningside, 11a Graham Road, Malvern, Worcestershire, WR14 2HR</b></p> <p><b>Ward: Hope End</b></p>   | 49 - 54 |
| 12. | <p><b>DCNC2004/2934/F - PROPOSED TWO STOREY EXTENSION AND CONSERVATORY AT 4 MAPPENORS LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8TG</b></p> <p><b>For: Mr S Perry per Leominster Construction, Southern Avenue Industrial Estate, Leominster Herefordshire HR6 0QF</b></p> <p><b>Ward: Leominster North</b></p>   | 55 - 58 |
| 13. | <p><b>DCNC2004/2996/F - CONVERSION TO 7 BED RESIDENTIAL CARE HOME AT LEDWYCHE SPRINGS, BLEATHWOOD, HEREFORDSHIRE, SY8 4LF</b></p>  | 59 - 62 |

- For: Mr J Brown of 20 The Green, Mountsorrel, Leics LE12 7AF**
- Ward: Upton**
- 14. DCNC2004/3095/F - PROPOSED DETACHED BUNGALOW AND GARAGE ON LAND ADJOINING 85A SOUTH ST, LEOMINSTER, HR6 8JH** 63 - 66
- For: Mr S Charles of Ninewells Farmhouse, Marden, Hereford, HR1 3EP**
- Ward: Leominster South**
- 15. DCNC2004/3108/RM - PROPOSED 2 DETACHED HOUSES WITH GARAGES ON LAND AT GRID REFERENCE 55415490, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ** 67 - 72
- For: Mr & Mrs P Kelsall per Linton Design Group  
27 High Street Bromyard Herefordshire HR7 4AA**
- Ward: Hampton Court**
- 16. DCNC2004/3334/F - PROPOSED ERECTION OF 4 COTTAGES ON LAND TO REAR OF THE BAY HORSE, LITTLE HEREFORD STREET, BROMYARD** 73 - 76
- For: Morpheus Construction Ltd per Linton Design Group  
27 High Street Bromyard Herefordshire HR7 4AA**
- Ward: Bromyard**
- 17. DCNC2004/3449/O - SITE FOR DETACHED HOUSE WITH GARAGE, NEW VEHICULAR/PEDESTRIAN ACCESS, AT 55 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AL** 77 - 80
- For: Mr Orgee per BLB Architects, The Old School House, 63A High Street, Bridgnorth, Shropshire, WV16 4DX**
- Ward: Bromyard**
- 18. DCNC2004/3513/F - RAISE ROOF LEVEL, ADD CONSERVATORY AND REPLACE EXISTING FLAT ROOF STRUCTURE TO SIDE OF HOUSE WITH SINGLE STOREY EXTENSION AT 34 NEWLANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8HN** 81 - 84
- For: Mr & Mrs J N Acaster per Mr J A Chandler  
1 Lower Buckfield Cottages Barons Cross Road Leominster HR6 8RN**
- Ward: Leominster South**
- 19. DCNC2004/3647/F - REMOVAL OF CONDITION 14 ON PLANNING PERMISSION NC04/1529/O, RELATING TO RESERVED MATTERS SUBMISSION SHALL INCLUDE PROVISION THAT NO LESS THAN 3 HOUSES SHALL BE AFFORDABLE HOUSING AT RIDLERS PLACE, UPPER SAPEY, HEREFORDSHIRE** 85 - 92
- For: Mr M Clarke per Wall, James & Davies  
19 Hagley Road Stourbridge West Midlands DY8 1QW**

**Ward: Bringsty**

- 20. DCNC2004/3678/RM - ERECTION OF HOUSE AND GARAGE AT OLD SCHOOL HOUSE, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SP** 93 - 96

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

**Bringsty**

- 21. DATE OF NEXT MEETING**

To note that the next meeting will be held on Wednesday 5th January 2005 at 2:00 p.m.

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## **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 3rd November, 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, 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

**In attendance:** Councillors P.J. Edwards and Mrs. J.E. Pemberton

**101. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RBA Burke, PJ Dauncey and Mrs JP French.

**102. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
DW Rule	6 - DCNC2004/2192/F - Construction Of 8 No. Houses At The Old Fold Yard, Church Lane, Upper Sapey, Worcester WR6 6XR	Personal
WLS Bowen JHR Goodwin JW Hope JP Thomas RM Manning	8 - DCNC2004/2599/F - New General Purpose Building, Chilled Plant Store And Associated Hardstandings And Access Ways At Brierley Court Farm, Brierley, Leominster, Herefordshire, HR6 0NU	Personal
Mr A Poole	4 – Item For Information – Appeals; and 8 - DCNC2004/2599/F - New General Purpose Building, Chilled Plant Store And Associated Hardstandings And Access Ways At Brierley Court Farm, Brierley, Leominster, Herefordshire, HR6 0NU	Prejudicial and left the meeting for the duration of this item

Miss C Wright	12 - DCNW2004/1305/F - Ramp access to south entrance door of Church At St Michael and All Angels Church, Croft, Leominster	Prejudicial and left the meeting for the duration of this item
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**103. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 6 October 2004 be approved as a correct record and signed by the Chairman subject to the inclusion of the following in Minute 86:

**DCNC2004/2598/N - VARIATION OF CONDITIONS 1,2,3 AND 4 OF PLANNING PERMISSION NC03/1895/N, PRINCIPALLY TO ENABLE THE PILOT PLANT FOR ACCELERATED COMPOSTING OF ORGANIC MATERIAL TO BE UNDERTAKEN UNTIL 31 ST DECEMBER 2008 AT WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX (AGENDA ITEM 6)**

In accordance with the criteria for public speaking Mr Eley spoke for the application on behalf of Leominster Town Council but reiterated the previous objections of Humber, Ford and Stoke Prior Group Parish Council. Mr Morgan, Managing Director of Bioganix Ltd, spoke in favour of the application. He also stated that his company had no plans to extend the duration of the composting operation on this site beyond December 2008.

**104. ITEM FOR INFORMATION - APPEALS**

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

**105. APPLICATIONS RECEIVED**

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

**106. DCNW2004/1921/F - YATTON MARSH FARM, YATTON, LEOMINSTER, HEREFORDSHIRE, HR6 9TP FOR: MR. P. J. LUKEMAN PER MR. P. M. ENTICKNAP, SUNRISE COTTAGE, GREEN LANE, PEMBRIDGE, HEREFORD, HR6 9EL (AGENDA ITEM 5)**

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

The Local Ward Member, Councillor Mrs LO Barnett initially expressed support for the application and felt that the alterations to the design in accordance with the advice from the officers would help to meet the objections from the local parish council. She suggested that the dwelling should be tied to the farmland through a planning obligation under Section 106 of the Town and Country Planning Act 1990. The Senior Planning Officer said that such a requirement would not be appropriate in this instance because the application was for an extension to an existing dwelling in the countryside and not for one attached to farmland. Councillor Mrs LO Barnett did not consider that she had been made aware of the all the facts regarding the application and stated that she felt misled over the matter.

**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.**

**Informatives:**

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

**107. DCNC2004/2192/F - THE OLD FOLD YARD, CHURCH LANE, UPPER SAPEY, WORCESTER WR6 6XR FOR: ELGAR HOUSING ASSOCIATION PER FELLOWS BURT DALTON ASSOCS LTD, THE OLD TELEPHONE EXCHANGE, GIPSY LANE, BALSALL COMMON, COVENTRY, CV7 7FW.**

The receipt of a further letter of objection from one of the objectors and an e-mail from another objector was reported, including reference to Structure Plan policies.

In accordance with the criteria for public speaking Mr Maddock spoke against the application and Mrs Cope of Elgar Housing Association spoke in favour.

Councillor TW Hunt, the Local Ward Member objected to the application on the following grounds:

1. the application for 8 houses was contrary to Policy H11 of the Malvern Hills District Council Local Plan (Section on Affordable Housing for Local People In Rural Areas) in of a scale, character and density not appropriate to the character of the area;
2. the local housing needs survey of August 2003 did not show a very strong need for affordable properties within the North Bromyard Group of Parishes and no further surveys since then have been requested or undertaken by this Parish Council; and
3. the proposed development was contrary to Policy H16A of the Hereford and Worcester County Structure Plan in that: -
  - (i) It was not of a scale and character appropriate to this particular settlement or location.
  - (ii) It was not acceptable in relation to the environment or landscape quality of the area.
  - (iii) It was not located with due regard to the availability of public transport.
  - (iv) It would not help sustain the rural community due to there being no facilities to sustain or support.

The Senior Enabling Officer explained the work that had been undertaken in establishing need and the reasons why the application had been made for the

provision of social housing to serve the local community. He also explained how the statistical data had been compiled in conjunction with Homepoint and information contained within the 2001 Housing Needs Study.

The Sub-Committee discussed the details of the application and felt that it had merits because there were few opportunities for social housing to be provided in the northern part of the district. A motion that the planning application should be refused was lost.

**RESOLVED: That the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to ensure compliance with the requirements of the affordable housing policy and any additional matters and terms she considers appropriate**

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

- 1 A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 A09 (Amended plans)**  
**Reason: To ensure the development is carried out in accordance with the amended plans.**
- 3 B01 (Samples of external materials)**  
**Reason: To ensure that the materials harmonise with the surroundings.**
- 4 F18 (Scheme of foul drainage disposal)**  
**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
- 5 F25 (Bunding facilities for oils/fuels/chemicals)**  
**Reason: To prevent pollution of the water environment.**
- 6 F20 (Scheme of surface water drainage)**  
**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.**
- 7 F48 (Details of slab levels)**  
**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**
- 8 G04 (Landscaping scheme (general))**  
**Reason: In order to protect the visual amenities of the area.**
- 9 G05 (Implementation of landscaping scheme (general))**

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

10 G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped.

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

Reason: In the interests of highway safety.

12 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

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

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

14 H21 (Wheel washing)

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

15 H27 (Parking for site operatives)

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

**Informatives:**

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

2 HN05 - Works within the highway

3 HN10 - No drainage to discharge to highway

*Councillor B Hunt abstained from voting on this item.*

**108. DCNE2004/2398/RM - GILBERTS FARM, LILLY HALL LANE, LEDBURY FOR:  
MR. & MRS. G. GILBERT PER DAVID BULL ASSOCIATES, 25  
BLANQUETTES AVENUE, WORCESTER, WR3 8DA (AGENDA ITEM 7)**

The receipt of a letter from the CPRE raising no objections to the application provided that certain conditions were imposed was reported.

In accordance with the criteria for public speaking Mr Casdagli spoke on behalf of 19 objectors to the application. Mr Bull acting on behalf of the applicant spoke in favour of the application.

**RESOLVED:** That Approval of Reserved Matters be granted subject to the following conditions:

1 B01 (Samples of external materials )

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

2 E16 (Removal of permitted development rights )

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

3 F48 (Details of slab levels )

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

4 F17 (Scheme of foul drainage disposal )

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

5 G04 (Landscaping scheme (general) )

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

6 G05 (Implementation of landscaping scheme (general) )

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

**Informative:**

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

109. DCNC2004/2599/F - BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE FOR: S. & A. PROPERTY PER MR. P. DUNHAM, PAUL DUNHAM ASSOCIATES, 19 TOWNSEND, SOHAM, CAMBRIDGESHIRE, CB7 5DD (AGENDA ITEM 8)

The Northern Team Leader reported that the Leominster Town Council had recommended approval to the application but had raised some concerns about noise pollution from the chilling unit.

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

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

110. DCNC2004/2461/F - KILLIGARTH, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3LB (AGENDA ITEM 9)

In accordance with the criteria for public speaking Mrs Heap spoke against the application.

The Sub-Committee discussed Mrs Heaps concerns about her property being overlooked by the extension and the way in which these could be overcome.

**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 B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

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

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

Informative(s):

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

111. DCNE2004/2753/F - 51 OAKLAND DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2EX FOR: MR. & MRS. M.J. CHAPPELL, GIBSON ASSOCIATES, BANK HOUSE, BANK CRESCENT, LEDBURY, HEREFORDSHIRE, HR8 1AA (AGENDA ITEM 10)

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

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

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

2 A09 (Amended plans)

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

3 B02 (Matching external materials (extension))

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

4 E19 (Obscure glazing to windows)

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

Informative:

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

112. DCNE2004/2771/F - LAND OFF NEW MILLS WAY - FROME BROOK ROAD, LEDBURY FOR: ST. JOHN KEMBLE HOUSING ASSOCIATION PER ROGER P. DUDLEY & ASSOCS, BARTLEET HOUSE, 165A BIRMINGHAM ROAD, BROMSGROVE, WORCESTERSHIRE, B61 0DJ (AGENDA ITEM 11)

**Team leader North updated members on:**

**Issue of play area omission**

**The possibility of slowworms on site**

**Reference to a letter previously submitted by an objector wishing his development to be moved away from existing housing.**

**RESOLVED THAT:**

**The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, and any additional matters and terms as she considers appropriate or alternatively a suitable planning condition be imposed**

**Upon completion of the aforementioned planning obligation or decision to impose a condition, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

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

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

**2 A09 (Amended plans)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**14 H21 (Wheel washing)**

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

**15 H27 (Parking for site operatives)**

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

**16 Affordable Housing**

**Informatives:**

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 HN05 - Works within the highway**
- 3 HN08 - Section 38 Agreement details**
- 4 HN10 - No drainage to discharge to highway**
- 5 HN19 - Disabled needs**

**113. DCNW2004/1305/F - ST MICHAEL AND ALL ANGELS CHURCH, CROFT, LEOMINSTER FOR: P.C.C. OF ST MICHAEL'S CHURCH PER BARTOSCH AND STOKES, 1 BATH MEWS, BATH PARADE, CHELTENHAM, GLOUCESTERSHIRE, GL53 7HL (AGENDA ITEM 12)**

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

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

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

**2 D03 (Site observation – archaeology)**

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

**3 Prior to the commencement of development the existing steps shall be recorded by drawing and photographs with said records submitted to,**

and approved in writing by the Local Planning Authority.

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

**4 B01 (Samples of external materials)**

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

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

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

**Informatives:**

- 1 N15 (Reason(s) for the Grant of PP/LBC/CAC**
- 2 N03 (Adjoining property rights)**
- 3 ND03 (Contract Address)**
- 4 - NC01 (Alterations to Submission/Approved Plans)**

**114. DCNW2004/2397/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ FOR: MR. W. CHASE PER MULTI-FAB CONSTRUCTION, LOWERFIELDS, STRETFORD BRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ (AGENDA ITEM 13)**

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

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

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

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

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

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

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

**4 F37 (Scheme of odour and fume control)**

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

- 5** Prior to the use hereby approved, details of the means of handling waste products associated with the potato and vegetable crisp production process shall be submitted to and approved in writing by the local

planning authority. The treatment scheme as approved shall be installed/implemented and thereafter retained.

Reason: To prevent pollution of the water environment.

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

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

**Informatives:**

- 1 N15 - Reason(s) for the Grant of PP.
- 2 The future expansion of this business remains a cause for concern for the local planning authority in terms of its effect upon local amenity and highway safety. An application for further expansion of the crisp manufacturing process may prove difficult to support in view of the traffic generation implications in the isolated rural location.

**115. DCNW2004/2577/F - CHAPEL VIEW, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3HW MR. A.G. TAYLOR AT ABOVE ADDRESS (AGENDA ITEM 14)**

The receipt of further comments from the Lyonshall Parish Council was reported together with a letter of objection from a firm of solicitors acting on behalf of some of the objectors.

In accordance with the criteria for public speaking Mr Richardson the agent of the applicant spoke in favour of the application.

Councillor RJ Phillips, the Local Ward Member expressed concerns that the application was a retrospective one.

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

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

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

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

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

circumstances.

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

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

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

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

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

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

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

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

- 7 H16 (Parking/unloading provision - submission of details)

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

**Informatives:**

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

2 The applicant is advised that the current levels of activity associated with his employment is considered to be ancillary to the approved residential use of the site. The local planning authority reserve the right to reconsider this matter if business related activities increase to the extent that a material change of use occurs.

116. DCNW2004/2763/F & DCNW2004/2760/C - THE BURTON HOTEL, MILL STREET, KINGTON, HEREFORDSHIRE, HR5 3BQ FOR: MR. J. RICHARDSON PER WARREN BENBOW ARCHITECTS, 21 MILL STREET, KINGTON, HEREFORDSHIRE, HR5 3AL (AGENDA ITEM 15)

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

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

**NW2004/2763/F**

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

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

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

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

**3 B01 (Samples of External Materials)**

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

**4 C02 (Approval of details) (the method of constructing the lift shaft and the treatment and exact position of glazed junction with the existing hotel building).**

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

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

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

**6 F16 (Restriction of hours during construction)**

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

**7 F18 (Scheme of foul drainage disposal)**

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

**8 F48 (Details of slab levels)**

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

**9 G04 (Landscaping scheme (general))**

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

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

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

**11 G09 (Retention of trees/hedgerows)**

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

**12 Prior to the commencement of the use of the swimming pool, health suite, bedroom and holiday let wings, the full details of the Green Travel Plan together with measures for monitoring its effectiveness shall be**

submitted to and approved in writing by the Local Planning Authority. The document shall be maintained and kept available for inspection by the Local Planning Authority upon request and all reasonable improvements agreed in writing shall be incorporated into the Green Travel Plan.

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

13 H05 (Access gates )(5 metres)

Reason: In the interests of highway safety.

14 H13 (Access, turning area and parking)

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

15 H21 (Wheel washing)

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

16 H27 (Parking for site operatives)

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

17 H29 (Secure cycle parking provision)

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

Informatives:

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

NW2004/2760/C

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

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

2 C14 (Signing of contract before demolition)

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



117. **DCNW2004/2850/F - THE BOOZIE, UPHAMPTON FARM, UPHAMPTON, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9PA FOR: MR. & MRS. J. ROBERTS PER BRYAN THOMAS ARCHITECTURAL DESIGN LTD, THE MALT HOUSE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NL (AGENDA ITEM 16)**

Councillor RJ Phillips the Local Ward Member felt that the applicants had demonstrated a functional need for the dwelling as part of the agricultural business and that the proposed size of the dwelling was not excessive bearing in mind the family need combined with the need to provide an office in connection with the running of the business. He suggested that appropriate conditions for approval could include the removal of permitted development rights, the removal of the mobile home, appropriate landscaping conditions and consultation with the Chairman prior to permission being granted. Councillor WLS Bowen had reservations about permission being granted for the size of dwelling requested because it was at variants with the Council's planning policies which either needed to be complied with or changed to permit such dwellings.

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

**RESOLVED: That**

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee;**
- 1) no permitted development rights;**
  - 2) the dwelling being tied to the agricultural business;**
  - 3) on completion demolition/removal of the mobile home;**
  - 4) a scheme of landscaping to meet the prior approval of the Planning Authority; and**
  - 5) other conditions approved by the Chairman of the Sub-Committee and local Ward Councillor**
- (b) **If the Head of Planning Services does not refer the application to Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

*(Note: - The Development Control Manager said that as there were crucial planning policy issues at stake he would refer the matter to the Head of Planning Services.)*

118. **DCNW2004/3056/F - BRIDGE FARM, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LD FOR: D.J. MORGAN, MCCARTNEYS, 34 HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ (AGENDA ITEM 17)**

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

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

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

**Informative:**

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

The meeting ended at Time Not Specified

**CHAIRMAN**

<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNE2004/0703/F**

- The appeal was received on 27th October 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 Rural Homes
- The site is located at 26 & 28 Albert Road, Ledbury, Herefordshire, HR8 1DW
- The development proposed is Residential development of 11 dwellings, access, parking and garaging.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks on 01432 261803**

**Application No. DCNW2004/2056/O**

- The appeal was received on 14th October 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 SD & JM Wicks
- The site is located at Burnside, High Street, Leintwardine, Craven Arms, Herefordshire, SY7 0LQ
- The development proposed is Demolition of existing dwelling and outbuildings and site for construction of 3 No. four bedroom dwellings.
- The appeal is to be heard by Hearing

**Case Officer: Simon Withers 01432 261957**

**Application No. EN2004/0036/ZZ**

- The appeal was received on 4th November 2004
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr K Brandwood
- The site is located at Dingle Top, Staunton-on-Arrow, Herefordshire
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use for garden purpose to use for the siting of two caravans for residential purposes, a building erected around them and a further building erected for the storage of domestic items"
- The requirements of the notice are:
  1. Cease the residential use of the land.
  2. Remove the caravans from the land.
  3. Demolish the building surrounding the caravans.
  4. Demolish the building containing the domestic items.
  5. Remove all materials that arise from the removal of the caravans and demolition of the buildings from the land.

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

- The appeal is to be heard by Written Representations

**Case Officer: Yvonne Coleman on 01432 383090**

## **APPEALS DETERMINED**

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

**6 DCNW2004/2886/F - CHANGE OF USE AND  
CONVERSION TO RESIDENTIAL USE AT KINTON  
BARN, KINTON, LEINTWARDINE, HEREFORDSHIRE****DCNW2004/2887/L – AT THE SAME****For: Downton Estate per Mr C F Knock, Tinkers Grove  
Cottage, The Deer Park, Eastnor, Nr Ledbury, HR8 1RQ****Date Received:  
4th August 2004****Ward:  
Mortimer****Grid Ref:  
40968, 74677****Expiry Date:  
29th September 2004**

Local Member: Councillor Mrs Olwyn Barnett

**1. Site Description and Proposal**

- 1.1 Kinton Barn is located in an isolated rural location in the small hamlet of Kinton approximately 0.5 Km to the north east of Leintwardine. The site and the surrounding countryside is designated as an Area of Great Landscape Value.
- 1.2 The barn, which is Grade II listed, is located on the east side of an unclassified road, immediately opposite a converted barn forming part of Kinton Farm. It comprises an attractive stone, brick and timber clad barn which occupies a slightly elevated position above the adjacent road level.
- 1.3 There is an existing access into the site which serves the historic barn and a modern steel framed building located at the rear.
- 1.4 Planning permission and Listed Building Consent is sought for the conversion of the building into a four bedroomed dwelling within the two storey part of the barn and associated garaging/storage in the open fronted single storey element.
- 1.5 The roadside elevation would remain unchanged with all external alterations on the courtyard elevation. The proposal would entail the demolition of the existing modern farm building and the creation of a garden curtilage on the less visible eastern side of the building. The applicant has agreed to reduce the extent of the garden area to the north of the building.
- 1.6 The application is accompanied by details of the market testing which has been undertaken and an ecological appraisal.

**2. Policies****Central Government Guidance**

PPS7 – Sustainable Development in Rural Areas

**Hereford and Worcester County Structure Plan**

H16A – Housing in Rural Areas  
H20 – Housing in Rural Areas Outside the Green Belt  
CTC2 – Areas of Great Landscape Value  
CTC4 – Nature Conservation  
CTC9 – Development Requirements  
CTC13 – Conversion of Buildings  
CTC14 – Conversion of Buildings

**Leominster District Local Plan (Herefordshire)**

A1 – Managing the Districts Assets and Resources  
A2(D) – Settlement Hierarchy  
A5 – Sites Supporting Statutory Protected Species  
A7 – Replacement of Habitats  
A8 – Improvements to or Creation of Habitats  
A9 – Safeguarding the Rural Landscape  
A16 – Foul Drainage  
A18 – Listed Buildings and their Settings  
A24 – Scale and Character of Developments  
A60 – Conversion of Rural Buildings Outside Settlements to Residential Use  
A70 – Accommodating Traffic from Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
S7 – Natural and Historic Heritage  
DR1 – Design  
DR2 – Land Use and Activity  
LA2 – Landscape Character and Areas Least Resilient to Change  
NC5 – European and Nationally Protected Species  
NC8 – Habitat Creation, Restoration and Enhancement  
HBA3 – Change of Use of Listed Building  
HBA4 – Setting of Listed Buildings  
HBA13 – Re-Use of Rural Buildings for Residential Purpose

**Supplementary Planning Guidance**

The Re-Use and Adaptation of Traditional Rural Buildings

**3. Planning History**

NW2003/3416/F and NW2003/3417/L - Alterations and conversion to residential use, glaze openings and make internal partition walls. Withdrawn 11 February 2004.

**4. Consultation Summary**Statutory Consultations

4.1 Environment Agency raise no objection.

Internal Council Advice

- 4.2 Head of Engineering and Transportation raises no objection.
- 4.3 Chief Conservation Officer raises no objection with respect to the impact of the conversion on the listed barn subject to conditions relating to external treatments and joinery details. The Council's Ecologist raises no objection in principle subject to the provision of a appropriate Method Statement relating to the proposed mitigation for the bats, newts and nesting birds identified on site

**5. Representations**

- 5.1 Four letters of objection have been received from:

Mr & Mrs Sudworth, Kinton Farm, Leintwardine.  
The Occupier, 15 Church Street, Leintwardine.  
Mr Pease-Watkins, The Coopers, High Street, Leintwardine.  
Mrs Corfield, 3 Church Street, Leintwardine.

They raise the following concerns:

- Intrusion and privacy associated with use of land to the north of the barn.
- Proposal contrary to Policy A2(D) of the Local Plan, Policies S1, S2, DR2, DR3 and H7 of the Herefordshire Unitary Development (Revised Deposit Draft)
- Retention of a rare, listed traditional barn should carry weight. Its character will be lost forever once converted.
- Has appropriate ecological survey and market testing been carried out?

- 5.2 Leintwardine Parish Council comment as follows:

There would be no objection to the applications provided that the planners are content that they conform to the limitations of development outside the village limits. There should also be steps taken to protect neighbours privacy and ensure the application follows the guidelines for sustainability. Further, that the ecological survey is satisfactory.

- 5.3 Leintwardine History Group comment that there is no question of the conversion being in the interest of social need, it is purely to make money. A wonderful example of a Herefordshire barn will be lost and further change to the character and beauty of this lovely part of the county.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

**6. Officers Appraisal**

- 6.1 The main issues for consideration in the determination of this application are as follows:
- a) the principle of converting the barn in to a dwelling;
  - b) the impact of the conversion on the character of the listed barn;
  - c) the impact of the conversion on the character of an Area of Great Landscape Value;
  - d) ecological implications and;
  - e) impact on residential amenity.

### The Principle of Conversion

- 6.2 Since the submission of the original applications, which were subsequently withdrawn in February 2004, the barn has been advertised as commercial premises for sale or let in the South Shropshire Journal. It has been advised by the applicant that the result of this marketing exercise has been one enquiry from an individual seeking a barn for conversion to residential use. Having regard to the unsuccessful attempts to secure an alternative commercial use and the isolated location of the barn it is considered highly unlikely that an appropriate commercial re-use will be identified for the building and potentially this would be undesirable given the close relationship of the site to existing residential uses and the limitations of the local road network.
- 6.3 It is considered that the building no longer has a viable agricultural use and since its character and structural integrity are such that it is capable of appropriate conversion, it is suggested that its conversion to residential use represents an acceptable alternative use in this instance.

### Impact on the Listed Barn

- 6.4 The conversion design is considered to be a sensitive one, limiting external alterations to the east elevation where existing openings are utilised effectively. The roadside (west) elevation will remain unchanged with no windows introduced, whilst the ventilation holes in the north elevation will be glazed. It is considered that from public vantage points the impact of the conversion will be very limited.
- 6.5 Internally, a galleried landing is proposed which retains the full height space in the central open bay of the barn; either side of which is the main living accommodation, which again reflects the existing bayed arrangement. In this respect all important internal features will be exposed and the intrinsic architectural value of the barn will therefore be preserved.
- 6.6 The conversion design has been the subject of detailed pre-application discussion and is supported by the Chief Conservation Officer.

### Impact on the Area of Great Landscape Value

- 6.7 The main issue in this respect is the wider impact of the creation of a dwelling in this sensitive rural location. It has been suggested above that the alterations to the building are limited and restricted to the less visible side of the barn. To this end it is not considered that the physical alterations to building will have a wider detrimental impact. The formation of the garden predominately affects the less visible side of the building and subject to controls over boundary treatments and restrictions on permitted development rights it is not considered that the garden area would have a serious impact on the Area of Great Landscape Value.

### Ecology

- 6.8 An ecological appraisal has been carried out and its findings identified evidence of bat, great crested newt and nesting bird activity in and around the building. The findings of the survey are largely endorsed but it has been advised that further work in the form of the submission of a Method Statement relating to proposed mitigation for the impact of the conversion on the identified protected species is required. Accordingly, the recommendation needs to reflect this additional requirement.



- 6.8 The existing pond to the north of the site does not form part of the application site and therefore it has not been considered appropriate to condition its restoration in this case.

Residential Amenity

- 6.9 The impact of the proposed conversion and the formation of the associated garden area are not considered to have a significant impact upon existing properties adjacent to the site but in recognition of the concerns raised, the applicant has agreed to reduce the extent of the garden curtilage to the north of the barn so as to limit its use for maintenance purposes only. This could be agreed by way of an amended site plan, which is referred to in the recommendation below.

## **RECOMMENDATION**

### **DCNW2004/2886/F**

**Subject to the receipt of suitably amended plans and additional ecological information, officers names in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers.**

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

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

- 2 - A06 (Development in accordance with approved plans ) (Amended Site Plan 1303:1206:02 and 04A)**

**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 - C06 (External finish of flues )**

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

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

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

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

**Reason: To preserve the open character of the site and the rural setting of the converted barn.**

**9 - F18 (Scheme of foul drainage disposal )**

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

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

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

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

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

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

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

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

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

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

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

**15 - The open fronted garaging hereby approved shall be refused for the purposes of parking and other purposes ancillary to the residential use of the barn and shall not be used for any other purpose unless otherwise agreed in writing with the local planning authority.**

**Reason: To ensure that sufficient covered parking and storage is retained so as to avoid undue pressure for additional ancillary buildings within the curtilage of the listed barn.**

**16 - Prior to the occupation of the converted barn, the existing modern farm building shown to be removed shall be demolished and permanently removed from the site.**

**Reason: To enhance the setting of the converted building.**

**Informatives:**

1. N15 Reasons for the grant of Planning Permission.
2. NC02 – Warning against demolition
3. NC01 – Alterations to submitted/approved plans

**DCNW2004/2887/L**

Subject to the receipt of suitably amended plans and additional ecological information, officers names in the Scheme of Delegation to Officers be authorised to issue Listed Building Consent subject to the following conditions and any additional conditions considered necessary by officers.

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. A06 - Development in accordance with approved plans (Amended site plan 1303:1206:02 and 04A)

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. C06 - External finish of flues

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

7. C11 - Specification of guttering and downpipes

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

**Informatives:**

1. **N15 Reasons for the grant of Planning Permission.**
2. **NC02 – Warning against demolition**
3. **NC01 – Alterations to submitted/approved plans**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**7 DCNW2004/2895/F - CONVERSION OF FORMER METHODIST CHAPEL INTO DWELLING. MINOR EXTENSION TO SOUTHWEST CORNER OF EXISTING BUILDING AT THE METHODIST CHAPEL, BACON LANE, AYMESTREY, HEREFORDSHIRE, HR6 9ST**

**For: Mrs E Willmett per Mundy Construction, 5 Upper Court, Luston, Leominster, Herefordshire HR6 OAP**

**Date Received:**  
**4th August 2004**

**Ward:**  
**Mortimer**

**Grid Ref:**  
**42466, 64911**

**Expiry Date:**  
**29th September 2004**

Local Member: Councillor Olwyn Barnett

**1. Site Description and Proposal**

- 1.1 The former Methodist Chapel occupies a prominent and elevated position on the western side of the A4110 at the southern end of the village of Aymestrey. It is accessed via a private unmade track (Bacon Lane) which is shared with the Clerks House farmyard and 4 other properties immediately adjacent to the application site as well as a number of others further to the west.
- 1.2 The application site lies in open countryside which is designated as an Area of Great Landscape Value. The Methodist Chapel itself is not listed and is clad in painted corrugated iron. Its outward appearance is a little dilapidated but it retains some very attractive features such as the Gothic style windows and the scalloped and pierced bargeboard details.
- 1.3 The building sits within a restricted curtilage demarked by a retaining wall and its recent use has been as the applicants own hobby workshop.
- 1.4 Planning permission is sought for the adaptation and extension of the former Chapel building to create a two-bedroomed property which would have a rendered external finish with a natural slate roof. It is intended to retain the majority of the existing windows but two would need to be removed in order to facilitate the addition of the extension and provide an entrance door. A new floor would be introduced and it is proposed that this floor will be set back from the existing side elevation in order to reduce its visual impact when seen through the existing lancet windows. The proposed extension would be positioned on the rear corner of the existing Chapel building and would accommodate a bedroom and sitting room.
- 1.5 The proposed garden curilege has been reduced and no longer includes the disused quarry but still makes use of an existing access to provide an entrance to the proposed conversion.
- 1.6 The application has been accompanied by a market testing appraisal.

## 2. Policies

### Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas  
H20 – Housing in Rural Areas Outside the Green Belt  
CTC2 – Areas of Great Landscape Value  
CTC9 – Development Requirements  
CTC13 – Conversion of Buildings  
CTC14 – Conversion of Buildings

### Leominster District Local Plan (Herefordshire)

A1 – Managing the Districts Assets and Resources  
A2(D) – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A19 – Other Buildings Worthy of Retention  
A24 – Scale and Character of Development  
A60 – Conversion of Rural Buildings Outside Settlements to Residential Use

### Herefordshire Unitary Development Plan (Deposit Draft)

H7 – Housing in the Countryside Outside Settlements  
LA2 – Landscape Character and Areas Least Resilient to Change  
HBA8 – Locally Important Buildings  
HBA13 – Re-Use of Rural Buildings for Residential Purposes

### Supplementary Planning Guidance

The Re-Use and Adaptation of Traditional Rural Buildings

## 3. Planning History

NW2003/2717/F - Replacement of former Methodist Chapel with two-bedroomed cottage. Withdrawn 27 January 2004.

NW2001/0948/F - Replacement of former chapel with 2 bedroom cottage - Withdrawn 16 July 2001.

NW2000/3001/F - Replacement of former chapel with 2 bedroom cottage - Refused 5 January 2001.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency submit a HOLDING OBJECTION until details of a proposed foul drainage system are submitted but indicate that if the local planning authority are minded to approve, a suitable condition regarding foul drainage should be attached.

Internal Council Advice

- 4.2 Head of Engineering and Transportation raised no objection.
- 4.3 Chief Forward Planning Officer advises that notwithstanding the market testing appraisal, the proposal appears to involve extensive alterations and reconstruction which would be contrary to Government Guidance, Adopted Policy and the Councils Supplementary Planning Guidance.
- 4.4 Head of Environmental Health and Trading Standards raise no objections.
- 4.5 Chief Conservation Officer does not consider this an appropriate conversion since it involves an extension to the building and the rendering of the external elevations thereby changing the character of the building.
- 4.6 Minerals and Waste Officer raises no objection.

**5. Representations**

- 5.1 Aymestry Parish Council raise no objection and support the sensitive conversion of the building.
- 5.2 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

**6. Officers Appraisal**

- 6.1 The site has been the subject of a number of previous applications which have either been refused or withdrawn due to a likely recommendation of refusal. Previous schemes have entailed the replacement of the existing structure with a new building and these have been strongly resisted since they were tantamount to the erection of a new dwelling in the open countryside.
- 6.2 The current proposal, which has been the subject of discussion and revisions comprises a hybrid of conversion and new build and as such differs materially from previous applications.
- 6.3 Revisions have been made to the proposals for the existing building although the applicant has resisted the request to re-clad the Chapel in its existing corrugated tin, opting instead for a rendered finish. It is considered that an acceptable conversion would seek to retain/repair the existing external cladding in order to preserve the intrinsic character and appearance of this prominent building and as such this proposal, which entails a new rendered finish would be contrary to Policy A60 of the Local Plan since it involves an alteration not in keeping with the form of the existing Chapel.
- 6.4 In the light of this failure to preserve the external appearance of the building it is not considered that there is any special justification to support the proposed extension to the Chapel. It is advised that the potential for providing an appropriately designed and modest extension was offered some support on the proviso that a high quality conversion of the historic building was achieved.

6.5 This is not the case for the reasons set out above and as such it is not considered that there are sufficient material considerations to warrant overriding the normal presumption against extending converted buildings and accordingly the proposal again fails the tests of Policy A60 and the Councils Supplementary Planning Guidance since the re-use of the Chapel is reliant on extensive alterations.

6.6 It is unfortunate that the applicant is not willing to compromise on the external cladding of the Chapel since the result in this case is a recommendation for refusal.

**RECOMMENDATION**

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

- 1. The proposed conversion would result in the re-cladding of the former Chapel building and furthermore requires an extension in order to facilitate the re-use of the building for residential purposes. The combination of these extensive alterations would result in detrimental harm to the intrinsic character and appearance of this prominently sited and locally important building. In this absence of any exceptional circumstance to justify these inappropriate alterations and additions, the proposal would be contrary to Policy H20 of the Hereford and Worcester County Structure Plan, Policies A2(D) and A60 of the Leominster District Local Plan (Herefordshire), the Councils Supplementary Guidance - The Re-Use and Adaptation of Traditional Rural Buildings and the guiding principles set out in PPS7 - Sustainable Development in Rural Areas.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**8 DCNW2004/3347/F - PROPOSED REPLACEMENT DWELLING WITH NEW ACCESS AT KNOCK HUNDRED, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EF**

**For: Dr. M A C Plant per Border Oak Design & Construction Kingsland Sawmills Kingsland Leominster Herefordshire HR6 9SF**

**Date Received:**  
1st October 2004

**Ward:**  
Pembridge &  
Lyonshall with Titley

**Grid Ref:**  
37996, 56081

**Expiry Date:**  
26th November 2004

Local Member: Councillor R Phillips

**1. Site Description and Proposal**

- 1.1 The application site lies in open countryside and comprises the existing cottage (Knockhundred Cottage), its associated outbuildings, garden and agricultural land which lies to the east of the residential curtilage.
- 1.2 The property is a modest two storey timber framed house which has been extended with a single storey lean-to side extension and a conservatory. It is set back from the roadside boundary and is generally inconspicuous in view of the mature hedgerow which runs the length of the site.
- 1.3 There is an existing vehicular and pedestrian access serving the site.
- 1.4 Planning permission is sought for a replacement dwelling and garage on the site and the change of use of the existing agricultural land to enable the siting of the garage, a new driveway and hardstanding and the formation of a new access.
- 1.5 The proposed replacement dwelling comprises a predominately timber framed and thatched design located on the footprint of the existing cottage and outbuilding. It would occupy a larger footprint than the existing dwelling and whilst the overall ridge height would be some 1.4 metres taller the eaves heights would remain identical.
- 1.6 The proposed garage would be timber clad with a thatched roof, having a maximum ridge height of 6.7 metres to allow for office accommodation in the roof space.

**2. Policies**

Hereford and Worcester County Structure Plan

Policy 16A – Housing in Rural Areas

Policy H20 – Housing in Rural Areas Outside the Green Belt

Policy CTC9 – Development Requirements

Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the Districts Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A9 – Safeguarding the Rural Landscape  
Policy A10 – Trees and Woodland  
Policy A16 – Foul Drainage  
Policy A24 – Scale and Character and Development  
Policy A54 – Residential Amenity  
Policy A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 – Sustainable Development  
Policy S2 – Development Requirements  
Policy DR1 – Design  
Policy H7 – Housing in the Countryside Outside Settlements  
Policy LA2 – Landscape Character and Areas Least Resilient to Change  
Policy LA5 – Trees, Woodlands and Hedgerows  
Policy LA6 – Landscaping Schemes

**3. Planning History**

- 3.1 NW2003/1960/F – Proposed replacement dwelling and garage. Refused.
- 3.2 Particular reference is made in accompanying submissions to a nearby replacement dwelling at Barbety Cottage. Application number NW2001/0984/F refers. The relevance of this permission will be discussed in the officers appraisal but in the light of this recent approval, the Local Member considered it important to refer this particular application to Northern Planning Sub Committee.

**4. Consultation Summary**Statutory Consultations

- 4.1 None.

Internal Council Advice

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

**5. Representations**

- 5.1 Pembridge Parish Council objects to this application because it is considered that the large scale of the proposed dwelling is out of keeping with the surrounding properties, would be extremely visible and would therefore detract from the visual amenity of the area.
- 5.2 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The principle of a replacement dwelling on this site is considered acceptable in the light of its clearly established residential use rights and the generally poor state of repair that this timber framed property is now in. In terms of the principle of replacing dwellings in the open countryside, Policy A2(D) of the Local Plan establishes a further test insofar as replacement dwellings should be comparable in size to the original dwelling and within the established residential curtilage.
- 6.2 In this case the existing cottage has a gross floor area of 96.5 square metres whilst the proposed replacement dwelling has a gross floor area of approximately 198 square metres. It is considered that this increase is such that the proposal cannot be regarded as comparable in size. Further to this the proposed garage/office building has a total footprint of 57 square metres excluding the small over space over which far exceeds the modest proportions of the existing outbuilding.
- 6.3 Coupled with the above, the proposed dwelling would be some 1.4 metres taller than the original cottage, the height of which is actually exceeded by the proposed garage/office building.
- 6.4 In the light of the above, the replacement of this modest two bedroom cottage with a 3 bedroom property with 3 en-suites and a sizeable box room does not result in an appropriate comparison and as such this proposal is considered unacceptable in principle.
- 6.5 The Barbety Cottage application relates to a site in reasonable proximity to this current proposal and it is recognised that this approved and now implemented replacement dwelling is a substantial property when compared to the original cottage. There are acknowledged comparisons between the two sites but ultimately each development proposal must be considered upon its own merits and as such the development at Barbety Cottage does not establish a precedent for supporting this application which is clearly contrary to adopted policy.
- 6.6 Further to the above, the current proposal involves an extension of the residential curtilage to accommodate the garage building which again is contrary to Policy A2(D) of the Local Plan.
- 6.7 With regard to the access issue the benefits of improving visibility by moving the point of access are clearly acknowledged since the existing arrangement is very dangerous. The new access and driveway, subject to careful consideration of the surfacing and associated landscaping (orchard planting is proposed), would in its own right have a limited visual impact and additional restrictions on permitted development rights would enable control over further development in the curtilage to be exerted.
- 6.8 The proposed replacement dwelling with garage is not considered in any way to be comparable to the modest scale of the original cottage and furthermore the proposed development involves the erection of the garage beyond the established residential curtilage of the existing cottage. The result is a development that is unacceptable in principle. The overall size and scale of the development in the absence of any special justification would furthermore result in a detrimental visual impact upon the character and appearance of the site and its surroundings.

**RECOMMENDATION**

That planning permission be refused for the following reasons:

1. The proposed replacement dwelling with the associated garage would by reason of their overall scale and siting result in a form of development that would not compare favourably with the original dwelling or contain development within the established residential curtilage of the property. The result would be a form of development that is unacceptable in principle and contrary to Policy H20 of the Hereford and Worcester County Structure Plan and Policy A2(D) of the Leominster District Local Plan (Herefordshire).
  
2. The proposed replacement dwelling with associated garage would be reason of their overall scale, design and siting detract from the quality and visual appearance of the rural landscape. The resulting development would represent an unacceptable encroachment into the open countryside contrary to Policy A9 of the Leominster Local Development Plan (Herefordshire).

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**9 DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE**

**For: Kington Building Supplies Ltd per Garner Southall Partnership, 3 Broad Street, Knighton, Powys, LD7 1BL**

**Date Received:**  
**1st October 2004**

**Ward:**  
**Kington Town**

**Grid Ref:**  
**28870, 56953**

**Expiry Date:**  
**26th November 2004**

Local Member: Councillor T James

**1. Site Description and Proposal**

- 1.1 Sunnydale comprises a spacious and steeply sloping 0.26 hectare plot of land located in the Floodgates area to the north west of Kington town centre. The existing site is characterised by a detached woolaway type bungalow which occupies a prominent and elevated position set back from the western roadside boundary.
- 1.2 To the north and south of the site are existing dwellings whilst to the east the land rises to an attractive woodland which provides as attractive backdrop in views from the A44 by-pass from the north and west.
- 1.3 The character of the area is generally characterised by a combination of tightly knit historic and modern properties and open spaces. The site lies within the settlement boundary of Kington but is not part of an Established Residential Area. It is outside the Conservation Area and is designated as an Area of Important Open Space.
- 1.4 Planning permission is sought for the demolition of the existing bungalow and the erection of two linked detached cottages and a third detached property. It is proposed that the new cottages would be built closer to the roadside boundary so as to provide a street frontage between two existing properties 15 and 16 Floodgates. Plot 1 would be sited some 4.6 metres from 15 Floodgates whilst Plot 3 would be some 5 metres from 16 Floodgates.
- 1.5 The cottages would be constructed with a rendered external finish with natural slate roofs. Plot 1 would be served by its own new driveway whilst Plots 2 and 3 would have a shared access. The cottages would be set into the bank with a part two-part single storey appearance.
- 1.6 The site of the existing bungalow would be regraded to follow the natural slope of the open space behind the new dwellings. This area would become a communal amenity space with private gardens located immediately to the rear of the properties. Additional landscaping is proposed and all existing trees would be retained.

## 2. Policies

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

CTC9 – Development Requirements

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

A1 – Managing the Districts Assets and Resources

A2(A) – Settlement Hierarchy

A10 – Trees and Woodland

A15 – Development and Watercourse

A16 – Foul Drainage

A23 – Creating Identity and an Attractive Built Environment

A24 – Scale and Character of Development

A25 – Protection of Open Areas or Green Spaces

A52 – Primarily Residential Areas

A54 – Protection of Residential Amenity

A70 – Accommodating Traffic from Development

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

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

DR1 – Design

DR2 – Land Use and Activity

H1 – Hereford and the Market Towns

H13 – Sustainable Residential Design

H15 – Density

LA5 – Protection of Trees, Woodlands and Hedgerows

LA6 – Landscaping Schemes

HBA9 – Protection of Open Areas and Green Spaces

## 3. Planning History

3.1 None identified.

## 4. Consultation Summary

### Statutory Consultees

4.1 Welsh Water raise no objection.

### Internal Consultee Advice

4.2 Head of Engineering and Transportation raises no objection subject to adequate provision of parking and turning space.

4.3 Chief Conservation Officer raises no objection in relation to the landscape impact of the development as proposed. The Council's Archaeological Advisor has commented that

the site lies on the periphery of Old Kington and that there is no evidence to suggest that the site has any archaeological value.

## 5. Representations

5.1 A total of 5 letters of objection were received to the original submission from the following persons:

Mr & Mrs Otter, Riverside Cottage, 16 Floodgates, Kington.  
Mr & Mrs Funnel, Laburnum Cottage, Floodgates, Kington.  
Mr G Peake, 13 Floodgates, Kington.  
Mr D J Baker, 15 Floodgates, Kington.  
Mr J E Burton, 14 Floodgates, Kington.

5.2 The concerns raised can be summarised as follows:

- Proposal out of character with this part of Kington. Existing bungalow only meant as a temporary structure.
- Conditions regarding safe demolition of bungalow should be attached.
- Concern regarding proximity of Plot 3 and impact of excavations on property.
- Streetscene elevation misleading.
- Overdevelopment of the site.
- Style of properties out of keeping with existing properties.
- Impact on existing drainage/mains water pipes needs to be examined.
- Loss of daylight/overshadowing.
- Limited width of access to site for emergency vehicles.
- Potential for parking outside the site to obstruct access to property beyond.
- Impact of sewage treatment plant on adjacent brook.
- Threat to existing water table due to amount of excavation required.
- Area liable to localised flooding.
- No more than one house should be built on site.
- Pedestrian safety during construction should be protected.
- New houses will be taller than the existing due to building regulations.
- Disturbance to medieval burial ground and castle tump resulting in loss of important source of archaeological data.
- Lane unable to cope with existing traffic associated with 3 dwellings.
- Loss of verge will make it dangerous for walkers using the lane.
- Artist impression doesn't give accurate information relating to the height of the proposed dwellings.
- Site is only suitable for dwellings of 1 1/2 storey height.

5.3 A further 3 letters of objection were received following reconsultation on the revised plans. Objections were received from the following persons:

- Mr & Mrs Otter, Mr G Peake and additionally from Mr Brookes of Jasmine Cottage, Floodgates, Kington.

5.4 The concerns raised reiterate those summarised above.

5.5 Kington Town Council state: We object to the proposed three dwellings on the following grounds:

1. It is over-development of the site which would mean that cottage number 3 on the plan is sited extremely close to No. 16, an estimate of 10 metres. We understand that No. 16 being an old 300 year old property has no foundations - and if permission is given, it should be a condition that no damage is caused to No. 16 and if damaged, then proper reparation is carried out, and moreover the applicant should be required to provide a Bond against any such eventuality.
2. There are likely to be at least 1 to 2 cars per household which will mean up to 6 extra vehicles coming and going on a single track lane where the only turning space is beyond the very old bridge over the brook. The exit from the lane onto Montfort Road is almost blind would present a hazard for traffic. Co-incidentally the Town Council has repeatedly requested that the 30mph restrictions be moved to the bottom of the road at Floodgates which would incorporate this exit access point.
3. The proposal contains plans for septic tank drainage for the three houses with an outflow into the Back Brook. We object to this on environmental grounds and wish to point out that the Back Brook now contains a rich diversity of wildlife, including Otters, a Polecat, Dippers and other water birds. We draw attention to the facts that the Back Brook flows into the River Arrow which eventually joins the River Lugg. It is against current environmental sustainability principles to increase the pollution in flowing water.
4. We understand that the mains water supply to adjacent properties runs across the applicants land and we would want guarantees that this would be maintained without cost to the adjoining properties. Likewise we understand that there is a septic tank belonging to an adjacent property again on the applicants land, again would require a guarantee of permanence.
5. We wish to draw attention to the Town Councils' request, made originally to Leominster District Council and more recently to Hereford Council that the Conservation Boundary of the Town be redrawn to include this area.
6. The whole plot of land is physically an extension of the historic Castle Mound. Any work on it must have an archaeological survey carried out first. We have reason to believe that the ground itself on the slope is unstable.
7. We would like to see all the trees on the plot have a preservation order placed upon them.
8. If any development is permitted on this site, then we believe it should be restricted to one small dwelling.

5.6 Kington Rural and Lower Harpton Group Parish Council state:

1. The members of the Parish Council agree and support all the points raised by Kington Town Council.
2. The members would like to reiterate two points:
  - a) This application amounts to over-development of the site. The members disagree with Kington Town Council's assumption of 10 metres and believe in fact that the gap between the proposed new dwellings and the adjacent dwelling No. 16 is more likely to be 1 metre. This would be overbearing on the adjoining property.
  - b) The roadway to the site is extremely narrow and the introduction of more vehicles, probably in excess of 6 would create difficulties in this roadway. The bank to the left hand side of this roadway looking towards the proposed application site on the right, is privately owned and although at present unfenced, this might not always be the case, and if the owner decided to fence his land, then the roadway would in effect become even narrower.

5.7 Council for the Protection of Rural England write to support the objections made by the Town Council. Proposal represents over-development and will have a visual impact on



an important area of open space within Kington. Development should be restricted to one small dwelling in keeping with its surroundings.

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

## **6. Officers Appraisal**

6.1 The application is clearly locally sensitive with a wide range of concerns identified and summarised above. It is considered that the key issues for consideration in the determination of the application are as follows:

- a) the principle of infill development on the site;
- b) the impact of the scale and character of development upon the site and its surroundings;
- c) the impact upon the residential amenities of neighbouring occupiers;
- d) highway safety and access issues and
- e) drainage.

### Principle of Development

6.2 Policy A2(A) of the Leominster District Local Plan (Herefordshire) recognises the broad acceptability of residential infill on suitable sites within the established settlement boundary of Kington. The site lies wholly within the defined settlement boundary and is an area that is also characterised by existing residential development, including the woolaway bungalow on the site at present. In the light of this it is not considered that there are any grounds for objecting to the principle of redeveloping the site and it seems clear from the responses received that the demolition of the bungalow is generally supported. The fact that the site lies outside the defined Established Residential Area is not in this context considered to object to the principle of any form of residential development.

6.3 The main source of concern relates to the nature of the redevelopment of the site, which will be considered in more detail below but under this heading it is advised that the broad principle of residential development is acceptable.

### Scale, Character and Impact upon the Site and Surroundings

6.4 The site is designated as an Area of Important Open Space within the defined settlement boundary for Kington and as such it is recognised that the development proposed should respect the prevailing character of the area which essentially is defined by a mix of housing types in an irregular but fairly tight knit arrangement but certainly not giving the impression of a built up area as becomes apparent further along the main road into Kington. The site itself is dominated by the prominent and out of keeping woolaway bungalow which occupies an elevated and set back position bearing no resemblance to general grain of development in the immediate vicinity. In this respect it is considered that the redevelopment of the site could enhance its appearance and contribution to the area.

6.5 The revised plans and elevations seek to "loosen" the form of development and increase the space along the sites margins and in between the proposed plots so as to enable an appreciation of the space beyond. Furthermore the positioning of the new dwellings close to the roadside boundary will allow a better appreciation of the

sloping land to the rear in views from the bypass and land beyond to the north where the bungalow is currently visible.

- 6.6 On balance therefore the benefits of reinstating the land currently occupied by the bungalow, moving the proposed development into the existing street frontage and creating reasonable gaps along the sides and between the proposed new plots are such that it is considered that the open space is acceptably preserved and in its revised form the application is supported by the Chief Conservation Officer.
- 6.7 It is considered that the design of the bungalows is in keeping with the stone and rendered appearance of existing property and whilst the proposed dwellings will be taller than those adjacent to the site the generally mixed character of the area is such that this modest difference in eaves and ridge heights will not appear so out of keeping with the locality that the refusal of planning permission would be warranted.
- 6.8 Archaeological issues have been referred to in the letters of objection and specifically the potential importance of a medieval burial ground and remains associated with the castle tump. The implications for this proposal have been discussed with the Archaeological Advisor who recognises that the site is on the periphery of the Old Town but confirms that there is no evidence to suggest any important archaeological remains on or in the immediate vicinity of the site. In the light of local concerns it is suggested that a watching brief condition is a reasonable compromise on this issue.

#### Residential Amenity

- 6.9 The flank elevations of Plots 1 and 3 do not necessitate the introduction of windows other than those serving WC's which can be effectively obscure glazed to avoid any harmful overlooking. Furthermore, the creation of the garden areas at the rear of the plots are such that there would be no greater harm in terms of overlooking than would be the case with the occupation of the existing bungalow.
- 6.10 The proposed dwellings whilst being taller are sufficiently distant from the neighbouring properties so as to avoid unacceptable overshadowing or overbearing impacts upon them. Plot 3 in particular is set back so as to avoid any unnecessary effect upon the small window in the side elevation of Riverside Cottage to the north of the site.
- 6.11 Issues relating to impacts on existing foundations are not planning issues and as such cannot be substantiated as grounds for refusal. Any implications would be controlled under the Building Regulations requirements but given the distance of the proposed plots from existing property and the intention to retain ground levels at the present height along the site margins there is no likely effect on existing property.

#### Highway Safety and Access

- 6.12 No objection is raised by the Head of Engineering and Transportation in relation to the continued safe use of the existing access to the site and the other properties, which share it. The proposed development is served by adequate off street parking so as to avoid the potential for parking on the side of the road and obstructing emergency vehicles and walkers.
- 6.13 Notwithstanding the concerns raised by local residents and the respective Town and Parish Councils it is not considered that the development will result in the unsafe use of the access road or affect pedestrian safety of walkers using it to gain access to the countryside beyond.

Drainage

- 6.14 It is proposed to provide a private sewage treatment package to serve the proposed 3 dwellings and the intention is for this to discharge into the adjacent brook. The discharge of treated waste into the brook would be strictly governed by the Environment Agency who issue licenses for such matters. It is not therefore an issue over which the local planning authority has any control except to ensure that the necessary details are submitted and this is an issue that can be controlled by condition.
- 6.15 On a site of this size there is no reason to suspect that an effective system with the associated soakaways could not be installed but in the light of local concerns it is proposed that a condition requiring foul and surface water drainage should be attached.
- 6.16 The connection of other utility services and electricity is not a matter upon which the local planning authority can intervene.

Conclusion

- 6.17 The local concerns raised in respect of this application are acknowledged but it is considered that having accepted the principle of development on the site, its revised form is such that it will not appear out of keeping or detrimental to the character and appearance of the locality. Neither will there be any adverse effect upon residential amenity or highway safety that would warrant refusal whilst drainage issues can be resolved by introducing conditional control to ensure that all relevant bodies are consulted. Whilst a wide range of detailed issues have been raised in response to this application it is considered that these concerns have been adequately addressed in the appraisal.

**RECOMMENDATION**

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

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

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

- 2 - A07 (Development in accordance with approved plans ) (drawing nos. 3484/1A, 2A/3A, 4A, 5A and 6A**

**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 ) (include porch details)**

**Reason: To safeguard the character and appearance of the dwellings in this sensitive historic area.**

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

**Reason: To safeguard the character and appearance of the dwellings in this sensitive historic area.**

**6 - D03 (Site observation - archaeology )**

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

**7 - E08 (Domestic use only of garage ) (Plot 1)**

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

**8 - E18 (No new windows in specified elevation ) (south elevation of Plot 1 and north elevation of Plot 3).**

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

**9 - E19 (Obscure glazing to windows )**

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

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

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

**11 - F18 (Scheme of foul drainage disposal )**

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

**12 - F48 (Details of slab levels ) (to include the ground levels adjacent to existing dwellings to the north and south of the application site).**

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

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

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

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

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

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

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

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

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

**17 - H12 (Parking and turning - single house )**

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

**18 - H27 (Parking for site operatives )**

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

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP**
- 2 - N03 - Adjoining property rights**
- 3 - HN01 - Mud on highway**
- 4 - HN05 - Works within the highway**
- 5 - The applicant is advised that the discharge of treated waste into the adjacent brook requires the formal agreement of the Environment Agency prior to the occupation of the dwellings hereby approved.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**10 DCNE2004/3080/F - EXTENSION TO EXISTING ANNEXE TO PROVIDE TWO BEDROOM ACCOMMODATION AT ROYAL OAK INN, SOUTHEND, LEDBURY, HEREFORDSHIRE**

**For: I P Martin per C A Masefield Building Design Services 66-67 Ashperton Road Munsley Ledbury Herefordshire HR8 2RY**

**Date Received:**  
**20th August 2004**

**Ward:**  
**Ledbury**

**Grid Ref:**  
**37109, 23752**

**Expiry Date:**  
**15th October 2004**

Local Members: Councillor B Ashton & Councillor P Harling

**1. Site Description and Proposal**

- 1.1 The Royal Oak Inn is Grade II Listed 'L' shaped building with a timber framed frontage and a brick wing which extends to the rear. Access to the car park and rear of the building is gained via an arched carriageway. Buildings surround the premises and are used for mixed purposes being prominently residential but with some retail.
- 1.2 The proposal effectively seeks to extend the brick element of the building with a two storey addition to provide domestic accommodation. It is understood that this is to provide a residential element in connection with the hotel. The application indicates that the proposed extension will be detailed to match the existing brick part in terms of materials and design. Its ridge height is lower to give a further break between old and new and it generally respects the proportions of the building.

**2. Policies**

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

Malvern Hills District Local Plan

Housing Policy 20 – Possible Nuisances in Residential Areas

Conservation Policy 9 – Alterations and Extensions to Listed Buildings

**3. Planning History**

There is no history relevant to this particular site. However the following applications on adjoining sites are of some relevance:

DENE2004/2156/F – Conversion and extension of former workshop to form single dwelling – Approved 11<sup>th</sup> August 2004.

DENE2004/0927/F – Conversion of building to dance studio and one residential unit – Approved 24<sup>th</sup> May 2004.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Archaeological Advisor – No objection subject to condition requiring further site investigation.

4.3 Chief Conservation Officer – No objection subject to conditions.

4.4 Head of Engineering and Transportation – No objection. Comments that due to town centre location, it is reasonable to waive the usual parking requirements.

4.5 Ledbury Town Council – Recommend refusal. They felt that this would be over-development of the site and considered the access to be dangerous and contrary to highway safety.

#### **5. Representations**

5.1 None.

#### **6. Officers Appraisal**

6.1 The proposal is generally considered to be of a satisfactory design and appearance, subject to the use of appropriate materials. This can be addressed by the imposition of conditions requiring their submission prior to the commencement of development.

6.2 The Town Council's comments with regard to highway safety are not substantiated by the Council's Head of Engineering and Transportation, and a potentially more intensive traffic generating use has been permitted in the dance studio referred to above. In light of this and the sites town centre location, it is not considered that a recommendation for refusal on highway safety grounds could be substantiated.

6.3 Concerns relating to over-development of the site are similarly difficult to substantiate in light of the surrounding planning history. Whilst the proposal will create a more substantial unit of accommodation a small bed-sit does already exist and in effect there is no increase in terms of additional residential units.

6.4 An application for listed building consent has yet to be submitted. The applicants agent has been asked to submit in writing on two separate occasions but to date no response has been received.

#### **RECOMMENDATION**

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

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



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

- 2 - 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.**

- 3 - C05 Details of external joinery finishes)

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

- 4 - B01 (Samples of external materials)

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

- 5 - D01 (Site investigation – archaeology)

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

**Informative:**

- 1. **The development shall not be commenced until Listed Building Consent has been granted.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**11 DCNE2004/3268/F - REPLACEMENT DWELLING AT  
SLATCHWOOD, CODDINGTON, LEDBURY,  
HEREFORDSHIRE, HR8 1JN****For: Mr & Mrs C Williams-Hewitt per Design Build,  
Morningside, 11a Graham Road, Malvern,  
Worcestershire, WR14 2HR****Date Received:  
17th September 2004****Ward:  
Hope End****Grid Ref:  
71803, 43939****Expiry Date:  
12th November 2004**

Local Member: Councillor R Stockton

**1. Site Description and Proposal**

- 1.1 The site is currently occupied by a pleasant detached dwelling. It was originally a timber framed cottage with a large external stone stack occupying a position close to the public highway. Extensions have been added to the rear and comprise two, two storey brick gables constructed in brick. The property is within the Area of Great Landscape Value and it is particularly characterised in this locality by randomly spaced dwellings along the roadside.
- 1.2 This application seeks to demolish the existing dwelling and replace it with a new property. The plans show a detached dwelling constructed in brick under a plain clay tile roof with a floor area of approximately 165m<sup>2</sup>, an increase of approximately 30% over the existing building. The new dwelling is set further back from the road. The existing vehicular access and garage are to be retained but a new drive and turning area will be created.
- 1.3 The applicants agent has provided a supporting statement to justify the demolition of the dwelling and the relevant points can be summarised as follows:
- a) Moving the dwelling to the north east will improve highway safety
  - b) The existing cottage is too low, below ground and road levels with a possibility of flooding
  - c) A new dwelling will allow the replacement of an out-dated dwelling with a more efficient unit
  - d) The existing dwelling has been sub-standard facilities, insulation and suffers from damp

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

Policy H20 – Housing in Rural Areas Outside the Green Belt

Policy CTC2 – Areas of Great Landscape Value

**Malvern Hills District Local Plan**

Housing Policy 4 – Development in the Countryside  
Landscape Policy 1 – Development Outside Settlement Boundaries  
Landscape Policy 3 – Development in Areas of Great Landscape Value

**3. Planning History**

None.

**4. Consultation Summary**Statutory Consultations

- 4.1 Bosbury Parish Council comment as follows: 'The proposal has no harmony with adjacent properties strongly opposed to demolition of existing dwelling. It should be restored and extended.'

Internal Council Advice

- 4.2 The Head of Transportation and Engineering have no objection subject to conditions.
- 4.3 Conservation Officer comments as follows: 'Disappointing that part of Herefordshire's historic environment is to be lost, especially as it would appear to be structurally sound and capable of re-use. It is strongly recommended that this building of local interest be retained. We therefore object to this proposal and recommend that it be rejected.'
- 4.4 Public Rights of Way Officer has no objection.

**5. Representations**

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

J Young & D Walton, 2 The Moats, Stoneyard Green, Coddington  
Mr & Mrs Brown, 1 Birchend Cottages, Paddles Lane, Coddington  
Mr D Mullett, 2 Slatchwood Cottage, Coddington

In summary the points raised are as follows:

- a) The existing dwelling is characteristic of Herefordshire's distinctive vernacular architecture.
  - b) Its demolition is not justified and it could be renovated.
  - c) The proposed replacement dwelling is not in keeping with other period properties in the Slatchwood area.
- 5.2 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 Housing Policy 4 of the Adopted Local Plan refers to new residential development in the open countryside and fundamentally advises that new development will not be permitted unless it meets one of a number of criteria. In this instance point C is relevant which states 'It is in replacement of and comparable in size with an existing building with established residential use rights'.
- 6.2 The existing dwelling has been recently occupied and therefore enjoys established residential use rights. It has a floor area of approximately 115m<sup>2</sup> and the proposal an area of 165m<sup>2</sup>, and allowing for a reasonable extension, is arguably comparable in size.
- 6.3 In your officers opinion that the reasons for objection in respect of the preferred retention and renovation of the existing dwelling are entirely well founded. It does not appear to be beyond economic repair and is quite capable of renovation and potentially extension to provide additional accommodation. Whilst it may not be a building worthy of listing, it does contribute to the local area character of the area. Its organic growth through the addition of extensions to the rear is entirely typical of any number of dwellings across Herefordshire.
- 6.4 Highway safety will not be improved if it is moved further from the road. The problems identified could be relatively easily addressed in terms of damp problems and lack of insulation and an argument that its replacement will allow the creation of a more efficient unit of accommodation could effectively apply to many older dwellings in the area.
- 6.5 However, Housing Policy 4 does not question the ability to renovate the existing dwelling, or ask for any reasonable justification for its demolition. The parallel policy in the emerging Unitary Development Plan is almost identical in its wording to Housing Policy 4 of the Local Plan, as is Policy H20 of the Structure Plan. There are no policies relating to the demolition of unlisted buildings in the open countryside and it would therefore appear that there are insufficient grounds to refuse the application in this respect.
- 6.6 It therefore falls to consider the application in terms of its design and appearance in the context of its surroundings. The dwelling is 1 ½ storey with a maximum ridge height of 7.4 metres. Each elevation is dominated by a gable, and it is clear that this approach has been taken to minimise the scale and bulk of the dwelling. It is an approach that is successful. The design is well detailed with arched heads over window openings and brick cills, eaves detailings and the inclusion of a chimneystack.
- 6.7 Objections relating to the design of the proposal and that it is out of keeping with other development in the locality should be considered against landscaping Policy 1 which relates to development outside Settlement Boundaries. It advises that development will be permitted where it does not result in
- “Significant visual intrusion or detracting from the character and appearance of the landscape”.
- 6.8 The scale and design of the proposal is rural in its nature. The use of brick is at odds to some extent with surrounding properties, although a number are faced with painted brick and from a distance may appear rendered. Nevertheless, any approval

could be the subject to a condition requiring the submission of a schedule of materials and the Committee may wish to indicate that at least part of the dwelling is finished in render to soften its appearance and have greater regard to the surrounding area.

- 6.9 On balance, the proposal is considered to accord with Local Plan Policy. Due to its greater floor area than the existing dwelling, it is recommended that permitted development rights are removed, but the application is otherwise recommended for approval.

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

**Reason: To ensure that the development hereby approved reflects the character and appearance of the surrounding area.**

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

**Reason: To ensure that the development hereby approved reflects the character and appearance of the surrounding area.**

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

**Reason: The replacement dwelling hereby approved is significantly larger than that which exists. The removal of permitted development rights will allow the Local Planning Authority to consider the acceptability of any future extensions.**

- 6 - H03 (Visibility splays ) (2m x 33m)**

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

### **Informatives:**

- 1 - The existing iron railing fence may remain, as sufficient visibility is possible through it. If it is replaced, the replacement must allow equal or better visibility. Vegetation must be maintained short enough to keep the visibility requirement effective.**
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**12 DCNC2004/2934/F - PROPOSED TWO STOREY  
EXTENSION AND CONSERVATORY AT 4 MAPPENORS  
LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8TG****For: Mr S Perry per Leominster Construction,  
Southern Avenue Industrial Estate, Leominster  
Herefordshire HR6 0QF****Date Received:  
9th August 2004****Ward:  
Leominster North****Grid Ref:  
48986, 59207****Expiry Date:  
4th October 2004**

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

**1. Site Description and Proposal**

- 1.1 Detached house with attached single garage on the south side of Mappenors Lane, just to the east of its junction with The Rugg. It is located within a primarily residential area as shown in the Leominster District Local Plan.
- 1.2 This application proposes to demolish and replace the garage with a 2-storey extension providing garage, utility and WC on the ground floor with bedroom and ensuite bathroom above. A single storey conservatory is also proposed to the rear of the building. The extension is to be constructed in matching materials, red brick to ground floor with render and timber framing above. However, the elevation to 6 Mappenors Lane is to be constructed in red brick.

**2. Policies****2.1 Leominster District Local Plan (Herefordshire)**

Policy A1 – Managing the district's assets and resources  
Policy A24 – Scale and character of development  
Policy A54 – Protection of residential amenity  
Policy A56 – Alterations, extensions and improvements to dwellings

**2.2 Hereford and Worcester County Structure Plan**

CTC9 – Development criteria

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

H18 – Alterations and extensions

**3. Planning History**

- 3.1 None.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 No statutory consultations required.

##### Internal Council Advice

4.2 Head of Engineering and Transport raises no objection to the grant of planning permission.

#### 5. Representations

5.1 Leominster Town Council: Recommend approval.

5.2 Letter of objection has been received from Mr and Mrs K A Ryan, 6 Mappenors Lane, Leominster.

- a) The extension will be totally out of scale and character with local building traditions.
- b) It does not respect existing pattern of development or reflect the general density of surrounding properties.
- c) It will remove my amenity to maintain the side of my property, these buildings are of mock Tudor design with render and feature board finish above ground floor level.
- d) The extension does not reflect the mock Tudor design, opting instead for a full red brick wall.
- e) It does not reflect the adjacent buildings, the materials will strike a discord with their surroundings.
- f) The extension will be a metre away from my house, so as to be overbearing, creating a terracing effect and cramped development.
- g) The extension will seriously reduce daylight and sunlight entering 2 rooms.
- h) Both windows have a right to light by prescription having received daylight/sunlight for 20 years.
- i) The extension will completely overwhelm the original structure. The plot will be cramped with no allowance made for maintenance to our property.
- j) Mappenors Lane is a very well designed, pleasant area with detached houses set in equally spaced plots.
- k) To allow this extension will open the floodgates for further developments which will complete spoil the original plan and design of the area.
- l) The proposal conflicts with Policies A1, A23, A24, A28, A54 and A56 of the Leominster District Local Plan.

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

**6. Officers Appraisal**

6.1 This application proposes a 2-storey extension to the east elevation of a mock Tudor style detached house, and a single storey conservatory extension to the rear. The extension is of a design that fits with the prevailing character of the style of dwellings in Mappenors Lane. It is therefore not considered that the proposal conflicts with the appearance of the existing dwelling.

6.2 The extension will come within a metre of the boundary with 6 Mappenors Lane. The neighbour has objected to the proximity of the extension and its impact on amenity and future maintenance of the flank elevation. However, future maintenance of buildings is not a material planning consideration and your officers do not consider that a refusal of planning permission for this reason could be sustained at an appeal. While it is acknowledged the existence of an entrance door and first floor windows in this elevation, the door enters into a lobby and the window is to a first floor landing, it is not considered the proximity of the extension will give rise to loss of residential amenity to the neighbour through light loss to these rooms/space.

6.3 In terms of its size, it is considered the proposal is of a design that allows the character of the original building to remain dominant. Further, the proposal will not result in an overdevelopment of the plot.

**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.**

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**13 DCNC2004/2996/F - CONVERSION TO 7 BED  
RESIDENTIAL CARE HOME AT LEDWYCHE SPRINGS,  
BLEATHWOOD, HEREFORDSHIRE, SY8 4LF****For: Mr J Brown of 20 The Green, Mountsorrel, Leics  
LE12 7AF****Date Received:  
16th August 2004****Ward:  
Upton****Grid Ref:  
54887, 70745****Expiry Date:  
11th October 2004**

Local Member: Councillor J Stone

**1. Site Description and Proposal**

- 1.1 Ledwyche Springs, a recently constructed dwelling is located on the north side of the C1054, opposite its junction with the C1053. It is located in open countryside.
- 1.2 This application proposes the change of use to residential care home for adults over the age of 18 with disabilities as defined in Part 1 of the Disability Discrimination Act 1995.

**2. Policies****2.1 Leominster District Local Plan (Herefordshire)**

A2 – Settlement hierarchy  
A54 – Protection of residential amenity  
A57 – Sub-division of houses

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

H17 – Sub-division of existing housing

**2.3 PPG1 – General Policy and Principles****3. Planning History**

NC2002/1108/U - Proposed used for domestic/residential purposes in breach of condition 2 of planning permission 88/0384 - agricultural occupancy tie. Certificate of Lawful Use granted 31.5.02.

**4. Consultation Summary**Statutory Consultations

- 4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

**5. Representations**

5.1 Little Hereford Parish Council: No objection.

5.2 Objections have been received from:

Mr and Mrs P Oliver, Bramlea, Whitehouse Farm, Bleathwood, Little Hereford  
J B and J Harbottle, Holly Cottage, Bleathwood  
Mrs G Hamer, Miss J Hamer and Miss A Hamer, Halfway House Farm, Little Hereford  
W J Francis, The Hall House, Bleathwood  
M Watkins, W Hayes, Woodgate Cottage, Bleathwood

The main points raised are as follows:

- a) It is adjacent to a busy, fast road where additional would cause a danger to other road users.
  - b) We are worried the residents will be allowed to wander around the village unattended.
  - c) There is a large pond to the front of the house and another nearby making it unsafe for residents.
  - d) It is 4 miles from the nearest town with no public transport. It is in an inappropriate location.
  - e) It will impact significantly on our view.
  - f) The property will be sharing access with agricultural machinery and workers.
  - g) It is off the beaten track.
  - h) Emergency services will be compromised.
- 5.3 The applicant has advised that the care home is for adults, people over the age of 18, with disabilities as defined in Part 1 of the Disability Discrimination Act 1995.
- 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 is for the change of use of a domestic dwelling to residential care home for the housing of adults over the age of 18, with disabilities as defined in Part 1 of the Disability Discrimination Act 1995.
- 6.2 Ledwyche Springs is located in open countryside and as has been commented upon by many of the objectors, there are no amenities and is served by limited public transport service, as such, Ledwyche Springs is located in an unsuitable location for

the use proposed. The occupants of Ledwyche Springs will only reside at the premises during their stay and are unlikely to leave the site. All of the facilities and services, which the occupants will require, will be provided on site by the employees and the occupants are to be transported to and from the site. Therefore, the need for the use to be located within or near to an existing town or village with basic services is not applicable.

- 6.3 It has also been suggested that the care home will result in increased traffic movements to and from the property from a minor, but busy, C class road. The Transportation Officer raises no objection to the proposal and considers that traffic movements, together with on-site parking provision, will not compromise matters of highway safety.
- 6.4 Therefore, it is not considered that the care home use would be unsustainable use in this location given the way the care home is to be managed.
- 6.5 Fears have been expressed as to the possibility of residents leaving the premises unsupervised. While, your officers can understand the concerns of local residents, much of the objection is centred on not knowing what to expect. Clearly, the fears of local residents are relevant. However, Circular 13/87, entitled Change of Use, etc, Order 1987, states that: "Normally the identity of the user or the type of person to be accommodated by reference to age or other characteristics is not a land use planning consideration."
- 6.6 The property itself is physically capable of accommodating the proposed use in terms of number of rooms, internal layout and facilities within, existing drainage facilities and the capacity of accommodating the proposed use. There is adequate parking space and the access is satisfactory. There is ample amenity space for the occupants and the care home use is unlikely to have any significant additional impact on the local community. Therefore the proposed use is considered to be acceptable in accordance with the relevant planning policies, Government guidance and Circulars, and there are no other material planning reasons to warrant refusal of this application.

## RECOMMENDATION

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

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

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

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

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

- 3 - E10 (Use restricted to that specified in application )**

**Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the area.**

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**14 DCNC2004/3095/F - PROPOSED DETACHED  
BUNGALOW AND GARAGE ON LAND ADJOINING  
85A SOUTH ST, LEOMINSTER, HR6 8JH****For: Mr S Charles of Ninewells Farmhouse, Marden,  
Hereford, HR1 3EP****Date Received:**  
**20th August 2004****Ward:**  
**Leominster South****Grid Ref:**  
**49634, 58359****Expiry Date:**  
**15th October 2004**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The site is located to the rear of properties fronting onto South Street and has an existing private vehicular access. The site lies within the settlement boundary of Leominster and is currently occupied by a commercial timber-framed building, used for many years as a dance school. To the east of the site lies the Minster College playing fields.
- 1.2 The proposal is for the erection of an L-shaped bungalow, the longest dimensions of which measure 14.5m x 10m. The design includes split level roof, the highest element of which measures 4.8m to ridge. The proposal requires the demolition of the timber-clad building and includes the erection of a single garage to the north-east corner of the site.

**2. Policies****2.1 Leominster District Local Plan (Herefordshire)**

A1 – Managing the district's assets and resources  
A2 – Settlement hierarchy  
A24 – Scale and character of development  
A54 – Protection of residential amenity  
A55 – Design and layout of housing development

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

DR1 – Design  
S3 – Housing  
H1 - Housing

**3. Planning History**

NC2003/3068/O - Outline application for 2 dwellings. Refused 11.12.03.

NC2004/0280/O - Site for one single-storey dwelling. Outline planning permission granted 24.3.04.

NC2004/2249/F - Two detached bungalows with garages. Refused 5.8.04.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water: 'The proposed development would overload the existing public sewerage system. No improvements are planned within Welsh Water's Capital Investment Programme. We consider any development prior to improvements being undertaken to be premature and therefore object to the development. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisition a new sewer under Sections 98-101 of the Water Industry Act 1991.'

##### Internal Council Advice

- 4.2 Head of Engineering and Transport: Has no objection subject to a condition about on-site parking and manoeuvring.

#### 5. Representations

- 5.1 Leominster Town Council: 'Recommend refusal as this is considered to be backland development. Council also feels that the access/egress for the site is inappropriate and already overused, considering its location.'

(In response to the previously approved outline application the Town Council recommended approval but did express concern about the access.)

- 5.2 Letters of objection/representation have been received from:

Mark Pugh, 85 South Street  
Mrs Heather Simpson, 93 South Street  
G Rees, South Dean, Hereford Terrace  
E J Fairbanks, 99 South Street  
Mr S A Morgan, 95 South Street

The main points raised are as follows:

- 1) Concern about the narrowness of the access lane
  - 2) Concern for loss of privacy should dormer windows be inserted
  - 3) Concern about construction traffic and a request that conditions imposed on the outline be repeated
  - 4) Concern is also expressed that once the existing garage is demolished the party wall should be made good
- 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 Following the grant of outline planning permission, it would have been anticipated that an application for reserved matters would have been submitted. However, in this instance, the application site has been extended by approximately 10m to the north. As a consequence, this procedure could not be followed and a full application was required as a result.
- 6.2 As the proposal replaces a form of commercial use, a dance studio, it is not considered that there are sufficient grounds to refuse the application on traffic access issues. Furthermore, concerns raised by local residents were considered at the outline stage and, as then, are not considered to warrant refusal of the application. Again, given the former use, it is anticipated that the objection from Welsh Water will be withdrawn.
- 6.3 It is considered that the proposal complies with relevant Development Plan policies and subject to conditions set out below, the proposal is acceptable.

## RECOMMENDATION

**That subject to Welsh Water withdrawing their objection 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 - H26 (Access location )**

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

**4 - H12 (Parking and turning - single house )**

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

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

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

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

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

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

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

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

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

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

**Reason: To control further development in the interests of amenity.**

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**15 DCNC2004/3108/RM - PROPOSED 2 DETACHED HOUSES WITH GARAGES ON LAND AT GRID REFERENCE 55415490, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ**

**For: Mr & Mrs P Kelsall per Linton Design Group  
27 High Street Bromyard Herefordshire HR7 4AA**

**Date Received:  
25th August 2004**

**Ward:  
Hampton Court**

**Grid Ref:  
55419, 54911**

**Expiry Date:  
20th October 2004**

Local Member: Councillor K Grumbley

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

- 1.1 The application site lies on the south side of the C1110 road towards the eastern end of Risbury. The proposal is for the erection of 2 dwellings to be occupied in accordance with a condition imposed on appeal requiring the occupation of the dwellings to be limited to persons solely or mainly employed, or last employed, in the locality in racehorse training stables, or widow or widower of such persons and to any resident dependants.
- 1.2 The application site, which forms part of a larger field, measures approximately 45m x 30m. This application for reserved matters is for the erection of two 4-bedroomed detached dwellings either side of an access drive, the entrance having previously been undertaken under an earlier permission.
- 1.3 Plot 1, the larger of the two dwellings, proposes a floor area of approximately 180m<sup>2</sup>, with a ridge height of approximately 7.3m, utilising dormer windows in both north and south elevations. This plot also includes a detached double garage.
- 1.4 Plot 2 measures approximately 130m<sup>2</sup> in floor area excluding the single attached garage and has a ridge line of approximately 7m. This, too, utilises dormer windows to keep the scale of the dwelling down.
- 1.5 To the west of the site lies a property known as Pentwyn and the associated roofing business, whilst to the east lies a recently erected dwelling known as Butterfield, the site of a former public house.

## **2. Policies**

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

A2 – Settlement hierarchy  
A54 – Protection of residential amenity

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

H20 – Residential development in open countryside  
H16A – Development criteria

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

H7 – Housing in the countryside outside settlements  
DR1 – Design

## 3. Planning History

94/0800 - Removal of condition restricting occupancy of dwellings to persons solely/mainly employed or last employed in the locality in racehorse training stables, on land adjacent to Hop Pole Inn, Risbury. Refused 21.1.95.

93/164 - Removal of conditions 3 and 4 preventing dwellings from being sold separately from a property used by the applicants in connection with their horse race stable business and restricting occupancy adjacent to Hop Pole Inn, Risbury. Refused 4.5.93.

This decision was subject of an appeal, ref. T/APP/C/1815/A/93/230478/P5. The appeal was allowed and the condition referred to replaced with a condition stating:

'The occupation of the dwelling shall be limited to persons solely or mainly employed or last employed in the locality for horse race training stables, or widow or widower of such persons, and to any resident dependants.'

90O612 - Site for erection of 4 cottages for occupation by full-time employees of adjacent race horse training stables on land adjacent to Hop Pole Inn, Risbury. Outline planning permission granted 10.3.92, subject to condition that 'The dwellings hereby permitted shall be occupied only by full-time employees of the applicants' race horse stable business.' This permission was also subject to a Section 106 legal agreement requiring that the 4 dwellings not be sold or leased separately from the race horse stables and that they only be occupied by full-time employees of that business.

This agreement was subsequently rescinded given the reasons by the Inspector for allowing the conditions to be amended on appeal.

## 4. Consultation Summary

### Statutory Consultations

4.1 None required.

### Internal Council Advice

4.2 Head of Engineering and Transport comments: 'For a road with a national speed limit, the full standard for the visibility splays required would normally be 2m x 60m. Given the circumstances of low speed and light traffic at this site, it is felt reasonable to relax the standard for visibility splays to 2m x 33m, in this case.  
Conditions H03 - 2m x 33m, H09, H11'

## 5. Representations

5.1 Humber Parish Council comment as follows:

'The Council has concerns over three aspects of this application.

1. The positions of the houses: It would be more acceptable if the relative positions of the houses were to be moved closer to one another, with a reduction in the size of the central parking area, and thus further away from the adjacent existing properties.
2. Drainage: The proposed arrangement for surface water drainage should be considered carefully. The existing drainage in this area often proves to be inadequate, with water running over the road.
3. Position of the Klargestew sewage biodigester: The proposed position close to the road should be considered carefully, especially with regard to possible effect of run-off surface water. Has a position further up the hill been considered, where surface water could run off into land drains?'

#### 5.2 Letters have been received from:

Mr D Dixon of Etnam Street, Leominster, on behalf of Mr and Mrs White of Pentwyn  
Gabbs Solicitors, on behalf of Mr and Mrs White of New Pentwyn

These are summarised as follows:

- 1) Question the validity of an application for reserved matters given that the period for submission of such has expired.
- 2) The plans proposed reducing the height of the evergreens on the west side of the access. These are not within the applicant's ownership.
- 3) Drainage is shown discharging on the opposite side of the highway on land not identified in the ownership of the applicant.
- 4) The westernmost of the dwellings is located unacceptably close to the storage/industrial building and could give rise to complaints about noise nuisance.
- 5) Also relates to question of ownership of land, stating that fences recently erected indicate the true ownership boundary.

#### 5.3 In support of the application, the applicants' agent advises:

'My clients, Mr and Mrs P Kelsall, are the current owners of the racing stables for which the original permission was granted. The original permission was for 4 dwellings but this reserved matters application is for 2 only which, when built, will preclude any further houses being erected on the site. My clients satisfy the restriction on occupancy and would ask you to note that the floor area of the 2 dwellings currently proposed is no greater than the floor area of the 4 dwellings shown on the indicative plan accompanying the original outline application.'

Latterly, additional confidential information has been provided concerning the commensurate nature of the dwellings for such an enterprise.

#### 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 In determining the planning appeal in March 1994, the Inspector effectively granted a further outline planning permission, requiring reserved matters to be submitted within 3 years of the date of that permission and that the development permitted be begun

within 5 years of that date or before the expiration of 2 years from the date of the approval of the last reserved matters.

- 6.2 Consequently, an application for reserved matters would have been expected within 3 years of the 1994 date and have commenced no later than 2 further years thereafter. There is no further correspondence from mid-1994 to the end of 1998 when the question of the expiry of permission then arose. There then followed a series of correspondence. As a result of the advice received and the fact that the reserved matters for access had been submitted, although overlooked at the time of the appeal, and that work had commenced on the access it was concluded that the outline permission remained extant and that it was open to the applicants to make further application.
- 6.3 Having accepted that the principle remains valid, it is necessary to consider whether the scale and design of the development is in itself appropriate. It is considered that the design of the dwellings themselves are acceptable and they do not give cause for loss of amenity or overlooking of any neighbours. Furthermore, it is considered that given the nature of the business the scale of the dwellings proposed is commensurate with that use and comply with requirements of PPS7 accordingly. In this case, the manager/owner's property being approximately 180m<sup>2</sup>, is considered commensurate with such a business. The smaller one being close enough to the target of 120<sup>2</sup> for employee dwellings.
- 6.4 The question of ownership has been raised and further information is sought by officers. Whilst this remains a private matter between the individuals concerned, officers have seen enough evidence to satisfy themselves that the correct certificates have been issued.
- 6.5 Whilst the applicants' agent advises that the erection of these two dwellings would prevent any further development, the reserved matters site does not extend to the full extent of the original outline permission. Consequently, there is further land, approximately 10m, behind the site on which two further dwellings could be erected. Nevertheless, there are no grounds for objection to the application on that basis.
- 6.6 As the access has previously been accepted, conditions regarding visibility splays are unnecessary.
- 6.7 It is considered that the proposal complies with relevant planning policy and is consequently considered acceptable.

## RECOMMENDATION

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

- 1 - A01 (Time limit for commencement (full permission) ) (2 years)**

**Reason: For the avoidance of doubt and to ensure the site does not continue to remain undeveloped and that it is utilised for the purpose originally intended.**

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

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



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

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

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

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

**Informatives:**

- 1 - HN01 - Mud on highway**
- 2 - HN10 - No drainage to discharge to highway**
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**16 DCNC2004/3334/F - PROPOSED ERECTION OF 4 COTTAGES ON LAND TO REAR OF THE BAY HORSE, LITTLE HEREFORD STREET, BROMYARD**

**For: Morpheus Construction Ltd per Linton Design Group 27 High Street Bromyard Herefordshire HR7 4AA**

**Date Received:**  
**1st October 2004**

**Ward:**  
**Bromyard**

**Grid Ref:**  
**65392, 54620**

**Expiry Date:**  
**26th November 2004**

Local Member: Councillors P Dauncey and B Hunt

**1. Site Description and Proposal**

- 1.1 The site is to the rear of the Bay Horse on Little Hereford Street in the centre of Bromyard. This site is opposite a Listed Building and within the Conservation Area. The land has previously been leased to Herefordshire Council as a car park.
- 1.2 The proposal is for the erection of 4 cottages, 2 with two bedrooms and 2 with three bedrooms, to be constructed with red brick and slate roof.

**2. Policies**

2.1 PPG3 – Housing

**2.2 Malvern Hills District Local Plan**

Housing Policy 2 – Development in main towns  
 Housing Policy 3 – Settlement boundaries  
 Housing Policy 17 – Residential standards  
 Shopping Policy 2 – Principal shopping and commercial areas  
 Shopping Policy 3 – Restrictions on development within principal shopping and commercial areas  
 Conservation Policy 2 – New development in Conservation Areas  
 Transport Policy 8 – Car parking and servicing requirements  
 Bromyard Housing Policy 2  
 Bromyard Shopping Policy 1  
 Bromyard Conservation Policy 2

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

H1 – Settlement boundaries and established residential areas  
 H13 – Sustainable residential design  
 H14 – Re-using previously developed land and buildings  
 H15 – Density  
 H16 – Car parking  
 TCR1 – Central shopping and commercial areas

TCR2 – Vitality and viability  
HBA6 – New development within Conservation Areas

### 3. Planning History

90/1094 – Change of use of 1<sup>st</sup> floor flat from owner's flat to guest rooms and change of use of attic to owner's bedsit accommodation. Approved 11.12.90.

90/1010 – Alterations (internal) – create guest rooms and owner's bed-sit and toilet extension to the rear. Listed Building consent granted 17.4.90.

NC2001/2562/F - Proposed detached single storey block for 6 no. hotel bedrooms with en-suite facilities. Approved 21.1.02.

NC2003/0642/F - Erection of 4 no. 2-bedroom cottages with gardens and 4 no. parking spaces. Withdrawn 1.4.03.

NC2004/0456/F - Erection of 4 no. 2-bedroom cottages with gardens and 4 no. parking spaces. Withdrawn 9.3.04.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water: Request conditions and advisory notes are included within any consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets.

#### Internal Council Advice

- 4.2 Head of Engineering and Transport: Recommend conditions.
- 4.3 Chief Conservation Officer: No objection to the proposal. Requests fenestration on the rear gable.

### 5. Representations

- 5.1 Bromyard Town Council objects to this application: on the grounds of overdevelopment; and that the land is currently leased to Herefordshire Council as a car park with at least 2 years left.
- 5.2 Objections have also been received from Mrs Elizabeth Cadman of 17 Little Hereford Street, Bromyard
- i) on the grounds of traffic safety, traffic congestion.
- 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 Permission granted in 2001 for a detached single storey block for 6 no. bedrooms with en-suite facilities provides this site with favourable development history in principle.

Further, it is notable that the previous grounds for objection have been solved over a period of time, and with a series of meetings between the various officers and applicants.

- 6.2 It is noted that the response from the Water Authority was positive subject to conditions, as was the response from the Highways Authority. The response from the Highways Authority, in particular, would appear to alleviate the concerns of the neighbour's objection.
- 6.3 The response from the Conservation Officer clarifies that this application relates well to the adjoining property and that there are no objections on conservation grounds to the application. In addition, the applicant has agreed with the Conservation Officer that some additional fenestration will be placed on the side of the gable.
- 6.4 The Town Council objected on two grounds, the second being that the land is leased currently to Herefordshire Council as a car park at least with 2 years left to run. This has, however, been terminated.
- 6.5 With respect to the Town Council objection on the grounds of overdevelopment of the site, it is felt that the proposal is appropriate within the terms of PPG3 with regards to housing, and relevant.
- 6.6 It is considered, therefore, that the proposal complies with the relevant national, Local Plan and UDP policies and is supported accordingly.

## RECOMMENDATION

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

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

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

**2 - A09 (Amended plans ) (17 November 2004)**

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

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

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

**4 - H27 (Parking for site operatives )**

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

**5 - Before the development is commenced a scheme for the provision of secure and covered cycle parking for a minimum of 2 cycles per dwelling unit shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason:** To ensure 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.

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

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

**7 - F22 (No surface water to public sewer )**

**Reason:** To safeguard the public sewerage system and reduce the risk of surcharge flooding.

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**17 DCNC2004/3449/O - SITE FOR DETACHED HOUSE WITH GARAGE, NEW VEHICULAR/PEDESTRIAN ACCESS, AT 55 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AL**

**For: Mr Orgee per BLB Architects, The Old School House, 63A High Street, Bridgnorth, Shropshire, WV16 4DX**

**Date Received: 6th October 2004      Ward: Bromyard      Grid Ref: 65108, 54459**

**Expiry Date: 1st December 2004**

Local Member:    Councillors P Dauncey and B Hunt

**1. Site Description and Proposal**

- 1.1 This application seeks outline planning consent for the erection of a single two-storey house beside No. 55 New Road, Bromyard, with details included for the access only.
- 1.2 The site covers over 43m<sup>2</sup>, it is wider than those opposite and larger than several properties further to the west on New Road. The access is proposed from New Road.

**2. Policies**

**2.1 Malvern Hills Local Plan**

Housing Policy 1 - Land for New Housing Development  
Housing Policy 2 - Development in Main Towns  
Housing Policy 3 - Settlement Boundaries  
Housing Policy 17 - Residential Standards  
Bromyard Housing Policy 1

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

Policy DR.1 - Design  
Policy DR.3 - Movement  
Policy S.3 - Housing

2.3 PPG3 - Housing

**3. Planning History**

- 3.1 DCNC2004/3187/F    Conservatory and first floor extension -    Granted 11.10.04  
to 55 New Road

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water: No objection subject to the provision of foul and surface water conditions.

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation: recommends that any permission be subject to conditions.

#### 5. Representations

- 5.1 Bromyard and Winslow Town Council object to the outline application:

1. on the grounds of lack of space for a detached house, and
2. access questionable on safety grounds.

- 5.2 An objection has been received from the following neighbour and local resident:

Mr. & Mrs. James, 61 New Road, Bromyard

Their objections are summarised as follows:

- objection on the grounds of loss of privacy
- loss of light
- possible loss of fruit trees
- access on safety grounds

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

#### 6. Officers Appraisal

- 6.1 At this outline stage of the application, items for consideration are

- i) the principle of whether the site is appropriate for the erection of a single dwelling
- ii) details for the access

- 6.2 The application site lies within the settlement boundary of the main town of Bromyard as identified in the Malvern Hills Local Plan. Housing Policy 2 concerns Development in the Main Towns with Bromyard as a main town.

- 6.3 Housing Policy 3 refers to proposals within settlement boundaries being permitted provided that they are:

- i) of a scale, character and density appropriate to the character of the area and existing pattern of development
- ii) adequate site conditions and service exist
- iii) satisfactory vehicular and pedestrian access can be provided, and
- iv) it would not adversely affect neighbouring properties or result in overlooking or loss of residential amenity.



- 6.4 Within the Malvern Hills Local Plan Map for Bromyard, the site is within the area designated as primarily residential in character. This relates to Bromyard Housing Policy 1, which states that proposals for new residential developments will be permitted within the Primary Residential Area within certain provisos, as defined above for Housing Policy 3.
- 6.5 It is considered that the Head of Engineering and Transportation's response has provided sufficient advice, with suggested conditions to mitigate the highways concerns of both the Town Council and the neighbour at number 61.
- 6.6 Given that the site is in fact wider than many in the immediate vicinity and indeed larger overall than others, the site is considered of an appropriate size to contain one single dwelling. Consequently, the proposal is considered to comply with the relevant policies.

## **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. A04 (Approval of reserved matters )**

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

- 3. H02 (Single access - footway )**

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

- 4. H03 (Visibility splays )**

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

- 5. H09 (Driveway gradient )**

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

- 6. H14 (Turning and parking: change of use - domestic )**

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

**Informative(s):**

- 1. HN01 - Mud on highway**
- 2. HN05 - Works within the highway**
- 3. HN10 - No drainage to discharge to highway**
- 4. N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**18 DCNC2004/3513/F - RAISE ROOF LEVEL, ADD CONSERVATORY AND REPLACE EXISTING FLAT ROOF STRUCTURE TO SIDE OF HOUSE WITH SINGLE STOREY EXTENSION AT 34 NEWLANDS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8HN**

**For: Mr & Mrs J N Acaster per Mr J A Chandler 1  
Lower Buckfield Cottages Barons Cross Road  
Leominster HR6 8RN**

**Date Received:  
13th October 2004**

**Ward:  
Leominster South**

**Grid Ref:  
48967, 58763**

**Expiry Date:  
8th December 2004**

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The site occupies a corner plot immediately north-east of unclassified road 93644 at the junction between Newlands Road and Pump Piece in Leominster Town. The existing property occupying the site is of a brick construction with a pantile roof and forms an end of terrace with the garden being between the property and the road. The roadside boundary is enclosed by a mature Leylandii hedge approximately 3m in height with vehicular access being gained via Newlands Road. The site falls within the settlement boundary as identified in the Leominster District Local Plan.
- 1.2 The applicants propose the construction of a conservatory off the northern gable, replacement of an existing flat roof store with a new pitched roof single storey utility extension off the western gable and introduction of a steeper roof pitch through raising the ridge by 600mm to accommodate 2 additional bedrooms.

**2. Policies**

**2.1 Hereford and Worcester County Structure Plan**

CTC9 – Development requirements

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

A1 – Managing the district's assets and resources

A54 – Protection of residential amenity

A56 – Alterations, extensions and improvements to dwellings

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

H18 – Alterations and extensions

DR1 – Design

### 3. Planning History

3.1 None.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required.

#### Internal Council Advice

4.2 Head of Engineering and Transport: Recommends approval subject to a condition concerning on site parking provision.

4.3 Public Rights of Way Manager: 'The proposed development would not appear to affect Public Footpath ZC19. We have no objections to this development.'

### 5. Representations

5.1 Leominster Town Council: "Recommend refusal, as it is felt that the height of the proposed roof would be out of proportion and out of character with the adjoining properties and surrounding area.'

### 6. Officers Appraisal

6.1 The proposed conservatory and replacement utility extension are of modest size and the design is respectful of the character of the existing property. The conservatory extension would be relatively prominent within the street scene should the existing boundary hedge be removed, but given its scale and design, the siting is considered acceptable.

6.2 The applicants also wish to accommodate two additional bedrooms within the roof space, changing the property from three to five bedrooms. This is achieved by introducing a steeper roof pitch thereby raising the total height to the ridge of the property by 600mm. Although this will be higher than the adjoining property, the increase in height will not be particularly noticeable and will continue the stepped roof form of the remainder of the terrace which fronts on to Pump Piece. The proposals do not generate any amenity issues and the materials are generally to match the existing property. The roof lights will be relatively visible being on the roadside elevation but these could be inserted under permitted development allowances. The proposal is considered satisfactory in accordance with Policy A56 of the Leominster District Local Plan 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 - A06 (Development in accordance with approved plans )**

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

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

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

**4 - H10 (Parking - single house ) (3 cars)**

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**19 DCNC2004/3647/F - REMOVAL OF CONDITION 14 ON PLANNING PERMISSION NC04/1529/O, RELATING TO RESERVED MATTERS SUBMISSION SHALL INCLUDE PROVISION THAT NO LESS THAN 3 HOUSES SHALL BE AFFORDABLE HOUSING AT RIDLERS PLACE, UPPER SAPEY, HEREFORDSHIRE**

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

**Date Received:**  
**20th October 2004**

**Ward:**  
**Bringsty**

**Grid Ref:**  
**70264, 63631**

**Expiry Date:**  
**15th December 2004**

Local Member: Councillor T Hunt

**1. Site Description and Proposal**

- 1.1 The site is located on the south west side of the B4204 approximately half a mile south of Sapey Common and approximately 2 miles east of Upper Sapey. The site has previously been used for employment purposes including heavy industry manufacturing, castings, manhole covers, etc. A number of brick and corrugated clad buildings occupy the site along with large areas of hard standing littered waste material from the previous industrial uses. The boundaries of the site are largely enclosed by mature hedges and vegetation and ground levels rise westerly into the site from adjoining road level. The site falls within the open countryside and is also designated as An Area of Great Landscape Value as identified in the Malvern Hills District Local Plan.
- 1.2 Planning permission was approved in outline form on 8<sup>th</sup> October 2004 for the construction of 8 dwellings. This permission was subject to a number of conditions including condition 14 which required that the reserved matters submission include the provision of no less than 3 affordable dwellings. The condition reads:

“The reserved matters submission shall include provision that no less than 3 of the houses to be built on the site shall be Affordable Housing, and shall include details of the time at which such Affordable Housing is to be provided (with reference to the development of other parts of the site), the type of Affordable Housing to be provided and the means of ensuring that the benefits of Affordable Housing will be enjoyed by successive as well as initial occupiers of such Affordable Housing. The Affordable Housing shall be provided and subsequently retained as Affordable Housing in accordance with the approved details. Each dwelling thereafter must be allocated in accordance with the following:

- a) a qualifying person with a strong local connection to the parish of Upper Sapey;
- b) in the event that there is no qualifying person with a strong local connection to the parish of Upper Sapey, to a qualifying person with a strong local connection to any of the following parishes: Edvin Loach and Saltmarshe, Tedstone Delamere, Tedstone Wafre and Wolferlow;
- c) in the event that there is no qualifying person with a strong local connection to any of the parishes referred to in clause b of this condition, to a qualifying person with a strong local connection to any of the following parishes: Collington, Edwyn Ralph, Norton, Whitbourne, and thereafter Herefordshire;
- d) references to a qualifying person having a strong local connection with the areas firstly, secondly and thirdly specified above are to their having a connection with one of these areas
  - i) because they are, or in the past were, normally resident there, and that residence is or was of their own choice, or
  - ii) because they are employed there, or
  - iii) because of a family association, or
  - iv) because of a proven need to give support to or receive support from family members
  - v) because of special circumstances.

For the purposes of paragraph d above (but not by way of limitation or restriction of a wider discretion):

- i) "normally resident" shall be established by residence in one of the areas specified above
- ii) "employed" shall mean in the employ of another not being of a casual nature but this shall not exclude part-time employment of 16 hours or more per week or self-employment
- iii) "family association" shall mean where a person or a member of their household has parents, adult children, brothers or sisters currently residing in one of the areas specified above and who have been so resident for a period of at least one year and that person indicates a wish to be near them
- iv) "support" shall mean personal and physical care to enable a person or a family member to live independently in the community
- v) "special circumstances" shall not normally apply but may amount to circumstances which in the view of the Council give rise to a strong local connection.

In each instance, the written approval of compliance with the above shall have been received from the local planning authority prior to occupation.

Reason: To ensure that an element of affordable housing for the community is maintained".



## 2. Policies

### Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas  
H20 – Development in the Open Countryside  
CTC2 – Development in Areas of Great Landscape Value  
CTC9 – Development Criteria

### Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside  
Landscape Policy 1 – Development Outside Settlement Boundaries  
Landscape Policy 3 – Development in Areas of Great Landscape Value

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

H7 – Housing in the Countryside Outside Settlements  
H9 – Affordable Housing  
H10 – Rural Exception Housing

### Other Guidance

Circular 11/95 – The Use of Conditions in Planning Permission  
Supplementary Planning Guidance – Provision of Affordable Housing  
Circular 01/97 – Planning Obligations  
Circular 06/98 - Planning and Affordable Housing

## 3. Planning History

NC2004/1529/O – Site for erection of 8 dwellings. Approved 8<sup>th</sup> October 2004.

NC2004/1528/O – Erection of 26 houses. Refused 28<sup>th</sup> July 2004.

MH2934/88 – Redevelopment of industrial site for residential purposes. Refused 13<sup>th</sup> December 1988. Appeal allowed 22<sup>nd</sup> February 1990.

## 4. Consultation Summary

### Statutory Consultations

4.1 None required.

### Internal Council Advice

4.2 Head of Engineering and Transportation – no objection.

4.3 Forward Planning Officer – no comments received.

4.4 Strategic Housing – no comments received

## 5. Representations

- 5.1 Upper Sapey Parish Council comment as follows: "The Parish Council agrees the removal of condition 14 in favour of a commuted sum to the local community only".
- 5.2 Malvern Hills District Council have been notified as neighbouring authority and state: 'Local Plan and Hereford and Worcester County Structure Plan both reflect the Government guidelines that affordable housing should, where possible, be encouraged. Therefore, on the basis that your Development Plan contains similar policies we would generally support any planning applications that would include the provision for affordable housing.'
- 5.3 Three letters of support have been received from:

N A Sargent, Fields Cottage, Park Lane, Sapey Common and Mr  
Mrs S C Lees-Milne, Linehill House, Sapey Common  
Mr & Mrs Johnson, Greens Cottage, Upper Sapey

The main points raised are:

- a) Sapey Common is a totally unsuitable community for the provision of affordable housing. There is no shop, no pub, no recreational facilities, no schooling and very little provision for public transport.
  - b) Architecturally and in view of the location, to mix different qualities and types of housing in such a sensitive area would not work or be acceptable.
  - c) Provision of affordable housing should be concentrated into developments within communities which are better able to support it.
- 5.4 The applicant's agent has provided justification for the removal of the condition which will be referred to in the Officer's Appraisal.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The application seeks the removal of condition 14 listed in full at paragraph 1.2. Section 54A of the Town and Country Planning Act 1990 requires that all applications be considered against the relevant Development Plan Policies unless material considerations indicate otherwise. This legislative test also applies to the imposition of conditions on planning permissions. Paragraph 6 of the Circular 11/95 concerning the use of conditions on planning permissions states that conditions should normally accord with the provisions of the Development Plans and other policies of the Local Planning Authority.
- 6.2 Although a number of policies are referred to earlier in this report, the imposition of the condition does not accord with any of the policies listed, due principally to the fact that the development as a whole is contrary to the prevailing development plan policies. Therefore, the application must be judged against the tests set out in Circular 11/95 concerning the use of conditions. Para 14 of the Circular states that "In addition to satisfying the Courts criteria for the validity of a condition, conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants" conditions should only be imposed where they are:

- i) necessary
  - ii) relevant to planning
  - iii) relevant to development to be permitted
  - iv) enforceable
  - v) precise
  - vi) reasonable in all other respects
- 6.3 The Circular states in paragraph 15, "In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed". In this instance, it is considered that permission would have been refused without the condition and that, therefore, the condition is necessary notwithstanding that it has no specific development plan policy support.
- 6.4 The need for the condition must also be assessed against the identified need for affordable housing primarily in the locality. This is echoed in PPG3 which states that the provision of affordable housing must be based on evidence of need. In May 2003, Herefordshire Council Research Team, on behalf the Council's Directorate for Social Care and Strategic Housing, undertook a housing needs study in the north Bromyard group of parishes (Edvyn Loach and Saltmarsh, Tedstone Delamere, Tedstone Wafer, Upper Sapey and Whitborne). A self completion questionnaire was posted which asked about the likely housing needs over the next 5 years. A response rate of 44% was achieved and the data was cross-referenced with 2001 census information to ensure that the survey results could be generalised across the group of parishes. This identified a net need of 5 units arising from those who responded to the survey. Assuming that same level of need would exist from those who did not respond, an overall likely need of 11 units can be projected. Members may recall that planning permission was provisionally approved at the October Planning Committee for the construction of 8 affordable dwellings at The Old Fold Yard, Church Lane, Upper Sapey. This leaves a net shortfall of 3 units. The requirements of condition 14 would therefore ensure that the identified need for affordable housing is met.
- 6.5 There is no doubt that the requirements of the condition are both relevant to planning and relevant to the development to be permitted. This is particularly so given that the permission is an exception site and therefore the nature and location of the development also justifies the imposition and retention of the condition. The condition is also sufficiently clear, precise and enforceable and for the reasons outlined above it is not considered to be an unreasonable or onerous requirement placed on the developer. As such, the condition satisfactorily meets the six test set out in the Circular.
- 6.6 The applicant's agent does not challenge the validity of the condition but suggest the condition is unnecessary given the recently approved affordable housing in Upper Sapey itself and the unsustainable location of the site. The site is clearly not a sustainable location for any form of housing. However, it is highly likely that the persons meeting the qualifying criteria contained within the condition i.e strong local connection to Upper Sapey parish or neighbouring parishes would be a car owner given the rural characteristics of the area. As such, the unsustainable nature of the site is not seen as a reason or justification for lifting the condition.
- 6.7 This site could also be an opportunity to provide low cost open market housing, which would then not necessitate the need for a partnership with a registered social landlord. This is particularly so given that the 8 affordable dwellings recently approved within

Upper Sapey, submitted by Elgar Housing Association will provide 4 rented and 4 shared ownership properties but no low cost market housing. The provision of 5 open market dwellings may help to sustain the discount necessary on the 3 affordable open market units.

- 6.8 The applicants also refer to guidance contained within the Supplementary Planning Guidance concerning the provision of affordable housing. Paragraph 1.2 states that: "Some sites, particularly brown field sites, will probably have some constraints on development. Normally these will be taken into account in the land purchase price. However, where the developer can prove that a large number of development constraints exist such as contamination, access problems and unusually high site preparation costs, and where the development of housing would lead to significant improvements in the local environment Herefordshire Council may agree to accept a lower proportion of affordable housing". In this instance, the site was an exception site and therefore it is not considered that the site development constraints are particularly relevant. Furthermore, these constraints only relate to the extent of affordable housing to be provided and should not affect the principle of providing affordable housing.
- 6.9 In replacement of the condition, the applicants have 'offered' to provide a commuted sum for 'a local good cause'. The suggestions being put forward are for use by Lower Sapey Housing Association which falls within Worcestershire but encompasses Upper Sapey, an alternative regional housing association or the for the renovation of Upper Sapey village hall. The Council's Supplementary Planning Guidance based on Circular 6/98 entitled Planning and Affordable Housing introduced the concept of a financial or other contribution towards the provision of affordable housing on another site in the Local Planning Authority's area in lieu of on-site provision. However, the supplementary planning guidance states that such a contribution should be provided through a planning obligation, which the applicants make clear they do not wish to enter into in this instance. Without such an agreement, the local authority would have no control over the use and management of any commuted sum to ensure that it is utilised in the appropriate and intended manner and used for the benefit of the parish/locality. The provision of a sum of money for the village hall would not meet the criteria set out in Circular 01/97 concerning planning obligation's as there would be no direct or indirect linkage with the development and the sum of the money provided.

### Conclusions

- 6.10 Whilst the condition has no specific adopted development plan policy support, this should not be used as justification for the removal of condition given the exception status of the site. The condition is necessary in that there is an identified need for additional affordable housing in the locality and it meets all the other tests set out in the Circular concerning the use of planning conditions. The offer of a commuted sum is not considered to be appropriate in this instance. The retention of the condition is therefore fully justified and the application is recommended for refusal.

## **RECOMMENDATION**

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

- 1 Planning permission was approved as an exception to the prevailing adopted Development Plan Policies and therefore it is considered reasonable and justified to secure 3 affordable dwellings to meet a clear and identified need. As such the retention of the condition is justified in accordance with guidance contained within Circular 11/95 entitled 'The Use of Conditions in Planning Permissions' and guidance contained within the Supplementary Planning Guidance entitled the 'Provision of Affordable Housing' dated March 2001.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**20 DCNC2004/3678/RM - ERECTION OF HOUSE AND GARAGE AT OLD SCHOOL HOUSE, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SP**

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

**Date Received:**  
22nd October 2004

**Ward:**  
Bringsty

**Grid Ref:**  
71930, 56711

**Expiry Date:**  
17th December 2004

Local Member: Councillor T Hunt

**1. Site Description and Proposal**

- 1.1 The application site stands to the side of The Old School House. Access is via the existing driveway, which runs along the north and west boundaries of the site.
- 1.2 This is an application for the approval of reserved matters following outline planning permission NC2003/0932/O. The application proposes a 4-bedroomed dwelling, 4m to eaves and 7.3m to ridge, and a detached garage.

**2. Policies**

**2.1 Malvern Hills District Local Plan**

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

**2.2 Hereford and Worcester County Structure Plan**

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

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

LA2 – Landscape character least resilient to change  
H4 – Main villages settlement boundaries  
H13 – Sustainable residential development  
H16 – Car parking

- 2.4 PPG1 – General Policies and Principles  
PPG3 - Housing

**3. Planning History**

NC2002/1288/O - Site for one dwelling and garage. Refused 21.6.02.

NC2003/0932/O - Site for one dwelling and garage. Approved 6.6.03.

NC2004/2275/RM - Erection of house and garage. Refused 8.9.04. Appeal lodged.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Head of Engineering and Transport: No objection - there are no highway concerns with this application.

4.3 Chief Conservation Officer: No objection.

#### **5. Representations**

5.1 Whitbourne Parish Council: 'The Parish Council objects to this application for the following reasons:

- The plans have been submitted on old ordnance survey maps and misrepresent the current locality of the site. There are now four houses on the adjacent site of the Old Post Office and there has been an additional property on the C1066 opposite the site. The area is already overdeveloped.
- Outline permission was granted for a single storey dwelling (bungalow) with integral garage. This proposal is for a two storey house with separate garage.
- The proposed dwelling is closer to neighbouring properties than shown in the outline permission.
- The Parish Council is still concerned with access, which joins the highway in the middle of the zig-gaz 'no parking' area for the adjacent school. This access has become more difficult to negotiate, as since outline permission was granted vehicles associated with the new houses are parking on the road outside those houses and obscuring visibility and posing a hazard.
- The application proposes to widen this access but since 1949 and in living memory ownership of the adjacent wall and land is believed and established to belong to the Parish Council.
- Should this application succeed the Parish Council requests that all conditions imposed, as well as those of the outline permission, should be complied with.
- A satisfactory boundary treatment should be in place before commencement of any works to screen neighbouring properties.
- The Parish Council wishes the concerns of neighbouring residents to be considered, including:
  1. That neighbours are not overlooked.
  2. That access is dangerous because of the neighbouring school.



3. That site lines assumed on the application rely upon land not in control of the applicant.
4. That the garage is inappropriate being too large and too high and not within the application submitted when outline permission was granted. If permission for a garage is granted then a condition should be placed upon it restricting its use.
5. That this application is not representative of the application for a three bedroom bungalow with integral garage on which outline permission was granted.

5.2 Letters of objection have been received from:

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

The main concerns raised are:

- a) The outline planning permission was for a 3-bedroomed bungalow only with integral garage, which would be less intrusive.
- b) The area already has 4 new houses.
- c) The proposal will be detrimental to the character of the area.
- d) The proposal would add to existing traffic hazard. Access is extremely dangerous.
- e) Invasion of privacy due to close proximity of the development.
- f) If development is permitted, conditions should be imposed regarding when work is commenced.
- g) The submitted plans are out of date.

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

## 6. Officers Appraisal

- 6.1 This application is for the approval of reserved matters following outline planning permission NC2003/0932/O, which established the principle of a single dwelling on this site. The outline planning permission reserved all matters except means of access for future consideration. The outline planning permission did not restrict by way of conditions the future development of the site to a bungalow.
- 6.2 The determining factors in this application are the scale and impact of the proposed dwelling on the character of the area. The means of access has been approved as part of the outline planning permission.
- 6.3 This application has been submitted following the recent refusal of DCNC2004/2275/RM when it was considered the proposal conflicted with Housing Policy 17(c) of the Malvern Hills District Local Plan in that the character and appearance of the proposed dwelling relates poorly to the scale and form of adjoining dwellings, so as to be unsympathetic with the prevailing characteristics of the area. An appeal has been lodged against this decision. This application retains the same accommodation as the refused scheme, but the height of the proposed dwelling has been lowered from 8.3m to 7.3m and the eaves height has also been reduced from 5m to 4m. Further, the west elevation, the elevation faces the common boundary with the Old Forge development has been redesigned so that there are no first floor

windows. In terms of impact on the locality the amended proposal is considered acceptable. The outline planning permission requires that all hedgerows should be retained in that they are a key landscape feature in the village. The hedge provides good protection of residential amenity to neighbours, preventing overlooking.

6.4 This part of Whitbourne is characterised by a mix of house styles, there are no bungalows adjoining the site. The Old School House is a large, red brick Victorian house under a slate hipped roof. The Old Forge, which is to the west, is a 1970's housing development and The Old Post Office development is a recently constructed row of 4 detached houses. As regard to the height of the proposed dwelling, with adjoining developments it is considered that the proposal compares favourably with the scale of The Old School House, and insofar as its relationship with The Old Post Office development is concerned, the site is at a lower level, which, together with the positioning of the proposed dwelling, allows the proposal to blend with the locality.

**RECOMMENDATION**

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

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

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

**2 - F48 (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.**

**Informatives:**

**1 - N09 - Approval of Reserved Matters**

**2 - N15 - Reason(s) for the grant of approval of reserved matters**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.