

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 5th January, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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01432 260248*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
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| 21. | DCNW2004/3221/F - SITE FOR MOBILE HOME FOR AGRICULTURAL MANAGEMENT OF LIVESTOCK (TEMPORARY) AT LAND AT WOONTON, HEREFORDSHIRE FOR: MR J MILLS PER MCCARTNEYS, THE OX PASTURE, OVERTON ROAD, LUDLOW, SHROPSHIRE, SY8 4AA | 105 - 110 |
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| 23. | DCNW2004/3350/O - DEMOLITION OF EXISTING DWELLING & OUTBUILDINGS, CONSTRUCTION OF 2 X 5-BEDROOMED DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ FOR: SD & JM WICKS PER MR FUNGE, STEPHEN FUNGE ARCHITECHURAL DESIGN, DARTMOOR VIEW, QUEEN STREET, WINKLEIGH, DEVON, EX19 8JB | 117 - 124 |
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| <p>25. DCNW2004/3597/F - PROPOSED 2 STABLES AND TACK ROOM ON 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HR3 6ND FOR: MR & MRS S & S HARRIS, PINE TREE COTTAGE, 7 CHURCH ROAD, EARDISLEY, HEREFORDSHIRE, HR3 ENJ</p> <p>Ward: Castle</p> | <p>129 - 132</p> |
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| <p>27. DCNW2004/3725/F - CHANGE OF USE FROM PADDOCK TO RESIDENTIAL GARDEN AND RETENTION OF PART OF DECKING AT THE BOTHY, LOWER HERGEST, KINGTON, HEREFORDSHIRE FOR: MR D BROADLEY AT ABOVE ADDRESS.</p> <p>Ward: Kington</p> | <p>139 - 150</p> |
| <p>28. DATE OF NEXT MEETING</p> <p>TO NOTE THAT THE NEXT MEETING WILL BE HELD AT 2:00 PM ON WEDNESDAY 26TH JANUARY 2005</p> | |

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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, 1st December, 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, 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, R.V. Stockton and J.P. Thomas

In attendance: Councillors P.J. Edwards, Mrs. J.E. Pemberton and Ms. G.A. Powell

119. APOLOGIES FOR ABSENCE

Apologies were received from Councillor DW Rule.

The Chairman welcomed Mr A Banks, Principal Planning Officer, Mrs A Jahn, Senior Planning Officer and Mr R Pryce to the Northern Team of Planning Services.

120. DECLARATIONS OF INTEREST

Councillor JP Thomas declared a prejudicial interest in respect of Agenda Item 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) and left the meeting for the duration of the item.

121. MINUTES

RESOLVED: That the minutes of the meeting held on 3 November 2004 be approved as a correct record and signed by the Chairman.

122. ITEM FOR INFORMATION - APPEALS

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

123. 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.

124. DCNW2004/2886/F - CHANGE OF USE AND CONVERSION TO RESIDENTIAL USE AT KINTON BARN, KINTON, LEINTWARDINE, HEREFORDSHIRE & DCNW2004/2887/L - AT THE SAME (AGENDA ITEM 6)

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

The Sub-Committee had certain reservations about the application because the building was an outstanding example of an historic barn and was also a Grade II Listed Building. It was noted that this had to be balanced against the fact that the building could be in danger of falling into disrepair in the future and that a sensitive conversion into a dwelling would prevent this.

The Local Ward Member, Councillor Mrs LO Barnett had a number of concerns about the application and asked for it to be deferred for further discussion between the officers and the applicant to explore whether those concerns could be met. The Principal Planning Officer (Development Control Central) suggested that these concerns could be met by delegated authority to the officers and Mrs Barnett felt that this was acceptable provided that the Chairman and Local Ward Member were consulted.

RESOLVED: THAT

DCNW2004/2886/F

In accordance with the amended plans and additional ecological information, officers named 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 in consultation with the Chairman and Local Ward Member.

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 down pipes)

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 used for the purposes of parking and other purposes ancillary to the residential use of the dwellinghouse hereby created and shall not be used for any other purpose unless otherwise previously 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 on the approved plans 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

In accordance with the amended plans and additional ecological information, officers named 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 in consultation with the Chairman and Local Ward Member.

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

125. 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 (AGENDA ITEM 7)

The Sub-Committee discussed the merits of the application and was supportive of the proposal to create a two bedroomed property with a rendered external finish and a natural slate roof. The Head of Planning Services said that the building was of considerable interest as a corrugated iron clad Methodist chapel and that the cladding should be retained. The Sub-Committee concurred with the views of the local Ward Member that it would be preferable for the existing features to be retained, particularly the front elevation of the building, and that the corrugated iron cladding should be replaced.

RESOLVED: That

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below and any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee;**
 1. **conditions regarding adaptation and extension of the building to create a two bedroomed property which would have a rendered external finish with a natural slate roof**
 2. **consultation with the local Ward Councillor**
- (b) **If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application in consultation with the Local Ward Councillor and subject to such conditions referred to above.**

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

126. DCNW2004/3347/F - PROPOSED REPLACEMENT DWELLING WITH NEW ACCESS AT KNOCK HUNDRED, BEARWOOD, LEOMINSTER, HEREFORDSHIRE, HR6 9EF (AGENDA ITEM 8)

In accordance with the criteria for public speaking, Dr Plant spoke in favour of his application.

RESOLVED: 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 fails to 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 by 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).

127. DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE (AGENDA ITEM 9)

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

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

128. DCNE2004/3080/F - EXTENSION TO EXISTING ANNEXE TO PROVIDE TWO BEDROOM ACCOMMODATION AT ROYAL OAK INN, SOUTHEND, LEDBURY, HEREFORDSHIRE (AGENDA ITEM 10)

The Sub-Committee did not feel that the application should be determined in isolation from an application for listed building consent.

RESOLVED: That consideration of the application be deferred pending receipt of an application for listed building consent from the applicant.

129. DCNE2004/3268/F - REPLACEMENT DWELLING AT SLATCHWOOD, CODDINGTON, LEDBURY, HEREFORDSHIRE, HR8 1JN (AGENDA ITEM 11)

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

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

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

- 2 - B01 (Samples of external materials)

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

- 3 - 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.

- 7.- 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.

Reason: In the interests of highway safety.

- 8 - That the existing dwelling is demolished prior to the construction of the new dwelling and all remains of debris be removed.

Informatives:

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

130. DCNC2004/2934/F - PROPOSED TWO STOREY EXTENSION AND CONSERVATORY AT 4 MAPPENORS LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8TG (AGENDA ITEM 12)

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

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

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

- 2 - 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

131. DCNC2004/2996/F - CONVERSION TO 7 BED RESIDENTIAL CARE HOME AT LEDWYCHE SPRINGS, BLEATHWOOD, HEREFORDSHIRE, SY8 4LF (AGENDA ITEM 13)

Councillor J Stone, the Local Ward Member, requested that consideration of the application be deferred pending further information from the applicant about the change of use to residential care, supervision of the home and further investigation by the Highways Department about highway safety.

RESOLVED: That consideration of the application be deferred for the above reasons.

132. DCNC2004/3095/F - PROPOSED DETACHED BUNGALOW AND GARAGE ON LAND ADJOINING 85A SOUTH ST, LEOMINSTER, HR6 8JH (AGENDA ITEM 14)

It was reported that Welsh Water had withdrawn their objection.

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

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

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

2 - B01 (Samples of external materials)

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

3 - 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

133. DCNC2004/3108/RM - PROPOSED 2 DETACHED HOUSES WITH GARAGES ON LAND AT GRID REFERENCE 55415490, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ (AGENDA ITEM 15)

The receipt of a letter from a neighbour about land ownership issues was reported.

RESOLVED: 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 - F18 (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

134. DCNC2004/3334/F - PROPOSED ERECTION OF 4 COTTAGES ON LAND TO REAR OF THE BAY HORSE, LITTLE HEREFORD STREET, BROMYARD (AGENDA ITEM 16)

The Local Ward Members Councillors PJ Dauncey and B Hunt expressed grave reservations about the scheme because of the loss of town center car parking and lack of adequate car parking for the proposed dwellings. They were also concerned about the impact this would have upon on-street car parking in the vicinity.

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) (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 serious 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

135. DCNC2004/3449/O - SITE FOR DETACHED HOUSE WITH GARAGE, NEW VEHICULAR/PEDESTRIAN ACCESS, AT 55 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AL (AGENDA ITEM 17)

The Sub Committee had a number of concerns about the application because the proposed dwelling would have an access directly on to a very busy and fast stretch of road. The Senior Planning Officer said that the Highways Department had visited the site and had no objections to the application. Notwithstanding this some Members felt that the application should be refused but when put to the vote the motion was lost.

RESOLVED: 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

136. **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 (AGENDA ITEM 18)**

The Principal Planning Officer reported that the applicant had provided acceptable amended plans which addressed the discrepancy about the height of the proposed dwelling.

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

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

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

- 2 - A06 (Development in accordance with approved amended 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

137. **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 (AGENDA ITEM 19)**

The Principal Planning Officer reported the receipt of a letter from Festival

NORTHERN AREA PLANNING SUB-COMMITTEE WEDNESDAY, 1ST DECEMBER, 2004

Housing supporting the proposal, subject to the developers paying a commuted sum that could be used for affordable housing on an alternative scheme. He advised that the Councils Strategic Housing department also supported removal of the condition subject to alternative financial arrangements that would provide funding for low cost housing in an alternative scheme.

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

Councillor T W Hunt the Local Ward Member expressed the view that the condition should be lifted in respect of the site because the demand for affordable housing could be met in an alternative location nearby. He did not feel that the provision of low cost housing units would be appropriate for the site at Ridlers Place because of its location and setting and the possibility of highway safety issues involved.

The Sub-Committee discussed the details of the application and took the view that the planning condition could be lifted provided that the applicants entered into a legal agreement to provide funding that could be used for social housing at an alternative location nearby.

RESOLVED:

(a) That the Northern Area Planning sub-committee is mindful to approve the application subject to any conditions felt to necessary by the Head of Planning Services, providing that the Head of Planning Services does not refer the application to the Planning Committee.

- 1 Condition 14 on Planning Permission NC04/1529/O relating to reserved matters submission be removed and replaced by a Section 106 agreement to enable the Local Planning Authority, the Developer and Strategic Housing to negotiate and agree a suitable financial contribution in lieu of on site provision of affordable housing in line with Circular 06/98 (Para 23) that this agreed commuted sum will be used towards the provision of suitable affordable housing within Herefordshire where a need has been identified also a sum be allocated to improve local community facilities in Upper Sapey such as a village hall and if agreement cannot be reached with the developer, the matter be referred back to the Sub-Committee.**

(b) If the Head of Planning 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.

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

138. DCNC2004/3678/RM - ERECTION OF HOUSE AND GARAGE AT OLD SCHOOL HOUSE, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5SP (AGENDA ITEM 20)

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

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Councillor TW Hunt, the Local Ward Member asked about the highway safety issues regarding the application and the Principal Planning Officer said that they were fully explained in the report. In answer to a question about whether the outline permission had been for a single storey dwelling, the Principal Planning Officer said that the outline was for one dwelling and did not make any reference to the number of floors.

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 - 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.

3. – Working hours

Informatives:

1 - N09 - Approval of Reserved Matters

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

The meeting ended at 4.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2004/2431/O**

- The appeal was received on 7th December 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr G Filbrandt
- The site is located at Land opposite the Post House, Marston, Pembridge, Leominster, Herefordshire, HR6 9JA
- The development proposed is Demolition of existing redundant farm building and site for the erection of a new dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Simon Withers on 01432 261957

Application No. DCNC2004/2117/F

- The appeal was received on 22nd November 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 Allard & Mathews
- The site is located at Adjoining 51 New Road, Bromyard, Herefordshire, HR7 4AL
- The development proposed is Erection of a bungalow.
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 383093

Application No. DCNE2004/3191/F

- The appeal was received on 19th November 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Ms K M Berry
- The site is located at Land adjacent to Melrose, 4 The Crescent, Colwall, Malvern, WR13 6QN
- The development proposed is Erection of detached bungalow
- The appeal is to be heard by Written Representations

Case Officer: Edward Thomas on 01432 261795

Application No. DCNC2004/1894/F

- The appeal was received on 17th November 2004

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

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Leake
- The site is located at Horners Mill, Ladywood, Whitbourne, Worcester, Herefordshire, WR6 5RY
- The development proposed is Use of open storage building for repair of wooden pallets, vehicle operations will be with 3 ton LV.
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 383093

Application No. DCNW2004/2338/F

- The appeal was received on 16th November 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs R B Sparey
- The site is located at Portway Farm, Portway, Orleton, Ludlow, Herefordshire, SY8 4HG
- The development proposed is Variation of condition 4 of PP NW2001/0540/F to allow 6 monthly residential letting as well as holiday letting; retrospective application to retain conservatory
- The appeal is to be heard by Written Representations

Case Officer: Adam Sheppard on 01432 260478

Application No. DCNC2004/2275/RM

- The appeal was received on 16th November 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal of Reserved Matters.
- The appeal is brought by J & G Developments
- The site is located at Land adjoining Old School House, Whitbourne, Worcester, WR6 5SP
- The development proposed is Erection of house & garage.
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 383093

Application No.

- The appeal was received on 18th 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 R Harris
- The site is located at Upper House Farm, Edwyn Ralph, Bromyard, Herefordshire
- The breach of planning control alleged in this notice is "Without planning permission change of use of agricultural land for the parking of commercial vehicles"
- The requirements of the notice are: Cease the use of the land and buildings for the parking of commercial vehicles.

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

- The appeal is to be heard by Inquiry

Case Officer: Duncan Thomas on 01432 383093

Application No.

- The appeal was received on 25th 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 P Williams
- The site is located at The Bank, Leintwardine, Herefordshire SY7 0LB
- The breach of planning control alleged in this notice is "Without planning permission the unauthorized building being a container for the storage of historic fairground organs and parts for restoration."
- The requirements of the notice are: Remove the building from the land.
- The appeal is to be heard by Written Representations

Case Officer: Mark Tansley on 01432 261936

APPEALS DETERMINED

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

5 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

Introduction

Members will recall that consideration of this application was deferred in order for a site visit to be undertaken. The visit took place on 13 December 2004.

Since the publication of the original report, the applicant has confirmed in writing that an application to discharge into the nearby brook has been submitted for consideration by the Environment Agency.

The attached report has been amended/updated where necessary to take account of comments made at the site visit.

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. The site also lies within the specially designated area of Broken Bank.
- 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
 Proposal K8 – Broken Bank

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.
- 5.8 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 be grounds to object to the principle of any form of residential development. Furthermore the presence of the unsightly bungalow is considered to provide a basis for supporting redevelopment in the Broken Bank area where proposal K8 limits development proposals.
- 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 and the Broken Bank area is specifically identified as requiring special control over further development and is designated as an Area of Important Open Space within the defined settlement boundary for Kington. 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 the 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 dwellings 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.

6 DCNE2004/0951/O - SITE FOR DETACHED DWELLING AT FORGE COURTYARD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG

**For: Canon Frome Developments per C A Masefield
Building Design Services 66-67 Ashperton Road
Munsley Ledbury Herefordshire HR8 2RY**

**Date Received:
16th March 2004**

**Ward:
Frome**

**Grid Ref:
64819, 43279**

**Expiry Date:
11th May 2004**

Local Member: Councillor R Manning

Introduction

Last year members supported the proposal to erect an additional dwelling at Forge Court, Canon Frome. The application also included moving the play area. The proposal was supported subject to a Section 106 Agreement to ensure the future maintenance of the play area including adoption of the open space.

Officers Appraisal

Extensive discussions have taken place with the applicant's legal advisors over the terms of the Section 106 Agreement. The road serving 'Forge Courtyard' will not be adopted therefore adoption of the play area by the Council cannot be achieved. Therefore the alternative is to provide the ownership of the new dwelling with the future maintenance. This can be achieved via a planning condition which the applicant's legal advisor considers is acceptable and importantly reasonable.

The previous report is appended.

Recommend

That planning permission be granted subject to the following conditions:

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

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

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

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

3 - A04 (Approval of reserved matters)

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

4 - A05 (Plans and particulars of reserved matters)

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

5 - The play area shall be maintained in perpetuity by the owners of the dwelling approved under this permission.

Reason: To ensure the future maintenance of the play area.

6 - The play area shall be permanently divided from the dwelling by means of a boundary fence as require by condition 3 above.

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

Decision:

Notes:

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**DCNE2004/0951/O - SITE FOR DETACHED DWELLING
AT FORGE COURTYARD, CANON FROME, LEDBURY,
HEREFORDSHIRE, HR8 2TG****For: Canon Frome Developments C A Masefield
Building Design Services 66-67 Ashperton Road
Munsley Ledbury Herefordshire HR8 2RY****Date Received:
16th March 2004****Ward:
Frome****Grid Ref:
64819, 43279****Expiry Date:
11th May 2004**

Local Member: Councillor R Manning

Since the previous report was prepared the following correspondence has been received:

A Petition signed by 34 people supporting the proposal and a further letter of objection.

The previous report is as follows:

1. Introduction

This site is located within a group of new houses and conversions on the former Wargents Engineering Workshop at Canon Frome. The proposal, in outline form, is to build upon a proposed play area and create a new play area to the rear of the proposed building plot. The building plot will measure approximately 17.2 metres by 28.6 metres. The play area measures 17.2 metres by 13 metres.

2. Policies

Planning Policy Guidance Note 3 – Housing
Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

Policy H16A – Housing in Rural Areas
Policy H20 – Housing in Rural Areas
Policy CTC9 – Development Requirements

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H7 – Housing in the Countryside Outside Settlements
Policy RST4 – Safeguarding Existing Open Space

3. Planning History

NE2000/1938/O – Redevelopment of agricultural engineers yard to provide for the erection of 2 nos. detached three-bedroom dwellings and the provision of 3 nos. two bedroom dwellings through conversion of two existing buildings. Approved 20th December 2000.

NE2001/2109/RM – Redevelopment of existing agricultural engineers yard to provide 5 no. dwellings by conversion of existing buildings and new build. Approved 19th October 2001.

NE2002/0712/F – Variation of condition 7 of Planning Permission NE2000/1938/O to provide reduced visibility splay. Approved 16th April 2002.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport recommends conditions.

5. Representations

5.1 Castle Frome Parish Council raise no objections.

5.2 One letter of objection has been received from Mr P K Clarke, 7 Hopton Yard, Canon Frome, Ledbury

The main points raised are:

- a) When I purchased my property I was informed that the play area was identified when a house was refused on it.
- b) The size of the house outlined on the plot appears excessive in relation to the plot and other houses.
- c) This will enclose the only open space in this development.

5.3 The applicants have submitted the following information in support of their approval.

- a) The whole site of this development was used for an agriculture engineering business until February 1999.
- b) The site of the proposed dwelling no. 5 Forge Courtyard, is the area on which an old timber framed barn stood until destroyed by fire a few years ago. Subsequently a metal framed agricultural building occupied the site.

- c) We have submitted plans for a play area nearby.
 - d) The original planning consent was for 5 dwellings i.e. two new houses and the conversion of the Cider Mill into two dwellings and the Forge into one. We are now, with planning approval, converting the Cider Mill into one dwelling; therefore the proposed new house will be the fifth dwelling in the site.
 - e) The access is suitable.
 - f) The number of vehicles using the area when planning is granted for this house, will be far less than the traffic generated when the site was used as an agricultural workshop.
 - g) The sewage system installed large enough to receive the waste from the proposed house.
 - h) There is obviously a need for this kind of property in Canon Frome; the first house built was sold very soon after it was marketed. The second property sold shortly afterwards, before building work started.
 - i) There is a development containing 7 large houses to the north of our site.
- 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 planning application has been submitted following investigation by the Council's Enforcement Section. Condition no.4 attached to the planning permission for re-development of the former agricultural engineering works required that details for equipment on the play area are submitted prior to the commencement of the development.
- 6.2 Planning permission was originally granted on this site for its re-development on December 2000, the plans for which had been amended during its processing by removal of a house on this site and inclusion of a play area. The applicant is now seeking to re-instate the house and move the play area to the rear of the new house away from the development it was proposed to serve. In addition no access way is proposed to the play area which would be land locked. Furthermore as the site is outside of any settlement boundary as identified by the Malvern Hills District Local Plan its development for housing is contrary to both local and national planning policies and advice contained in Planning Policy Guidance Note 3 and Planning Policy Guidance Note 7.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The site is located outside of any settlement boundary as identified in the Malvern Hills District Local Plan and accordingly its development is contrary to Housing Policy 4 together with Policies 16A and H20 of the Hereford and Worcester County Structure Plan.

- 2 The development of the identified play area with a dwelling is contrary to Planning Policy Guidance Note 3 in that the revised layout will create an isolated and land locked play area contrary to the principles of ground design layout and security.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCNE2004/2989/F - PROPOSED RESIDENTIAL DWELLING AT EASTNOR HOUSE, WORCESTER ROAD, LEDBURY, HEREFORDSHIRE, HR8 1PL

For: Mr P Brazil per Mr P D Jones 92 Robinsons Meadow Ledbury Herefordshire HR8 1SX

Date Received:
13th August 2004

Ward:
Ledbury

Grid Ref:
71187, 37599

Expiry Date:
8th October 2004

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

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a one bedroom dwelling on land to the rear of Eastnor House, Worcester Road, Ledbury. The site falls within both the defined Ledbury settlement boundary and the conservation area.
- 1.2 The dwelling proposed is located to the northwestern corner of the site, the remainder of which has been developed over the last several years to the effect that with the inclusion of Eastnor House itself there is approval for a mixture of 11 one and two bedroom units with 11 on site car parking spaces. The final three dwellings, located to the northeastern corner of the site, are currently nearing completion.
- 1.3 The sole vehicular access and egress is taken from the Worcester Road at a point adjacent to the traffic lights.

2. Policies

Planning Policy Guidance Note 3 – Housing

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries

Conservation Policy 2 – New Development in Conservation Areas

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

H1 – Hereford and the market towns: settlement boundaries and established residential areas

3. Planning History

NE03/1029/F - 2 No. residential units utilising existing buildings at Eastnor House: Approved under delegated powers 28th May 2003

NE02/2975/L - First floor bedroom extension to existing dwelling, alterations to existing garage block and construction of 3 no. 1-bed houses: Approved under delegated power 27th November 2002

NE02/1800/F - Change of use and conversion of existing motorcycle showroom, workshop and residential unit to 5 residential units: Approved 13th September 2002

NE02/1588/L - Change of use and conversion of existing building to 5 residential units with 5 car park spaces at rear: Approved 13th September 2002

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent raise no objection but recommend the imposition of a condition that no buildings shall be erected or trees planted within 2.5 metres of the public sewer that crosses the site.

Internal Council Advice

- 4.2 Public Rights of Way Manager Comments as follows: "The proposed development would appear to affect public footpath ZB21, which runs adjacent to the proposed dwelling and provides access from the public road. The right of way should remain open at all times remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion."
- 4.3 Head of Highways and Transportation. Initially recommended refusal on the basis that there would be insufficient car parking spaces for the number of units on site, although requested further information regarding the nature of the dwellings on site in order to make a considered judgement. Further to receipt of this information and a site visit the officer has withdrawn the objection on the undertaking that the applicant make provision for a secure bike store for 6 bicycles elsewhere on site.
- 4.4 The Head of Conservation raised no objection to the proposal

5. Representations

- 5.1 Ledbury Town Council recommend approval subject to the approval of the Conservation Officer
- 5.2 2 letters of objection have been received from Mr & Mrs. G. Wilde, Clifton House, Worcester Road, Ledbury, Herefordshire HR8 1PL. The initial letter of objection relates to the scheme as originally proposed, the latter to revised plans. A further letter has been received from Gail Simons, Apartment 3, The Priory, Worcester Road, Ledbury, Herefordshire HR8 1PL.

The letters from Mr & Mrs Wilde are summarised as follows:

- The erection of a dwelling at this location will compound the overlooking of the private amenity space to Clifton House, infringing on privacy.

- Existing overlooking does not justify the introduction of a further dwelling.
- The proposed dwelling would be closer to the garden than the existing development.

The letter from Ms. Simons is summarised as follows:

- The existing vehicular access/egress onto the Worcester Road shared by The Priory, The Priory Gatehouse and the Eastnor House development is hazardous.
- Traffic pulling out onto the road often overshoots the lights and have to reverse back.
- Conflict with pedestrians when crossing the vehicular access.
- A bottleneck has been created for traffic into and out of the Eastnor House parking area as there is insufficient room for two vehicles to pass.

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

6. Officers Appraisal

6.1 The main issues in the consideration of this proposal are:

1. The principle of development and conservation area impact;
2. Car parking provision and vehicular access;
3. The impact on residential amenity;

1. The principle of development

The site is located to the rear of the High Street, Ledbury and lies within the defined town boundary. The principle of residential development is therefore accepted, subject to the resolution of factors, which include residential amenity, parking and access and design.

In this case the site also falls within the Ledbury Conservation Area. As such development must demonstrate the ability to either preserve or enhance the character or appearance of the area.

The existing development on site is tightly defined, although the northwest corner of the site remains vacant and is bound by the rear of the print works. It is considered that a modest unit in the location proposed would effectively round off the development creating a courtyard effect.

The Historic Building Officer has no objection to the principle of a dwelling on this site subject to the detail shown on the revised plans. In terms of the impact upon the conservation area, the development proposed is considered acceptable.

2. Car parking provision and vehicular access

The historic planning approvals work on the principle that each dwelling has one dedicated parking space, giving a total of 11 spaces for the mix of one and two bedroom properties. Initially it was suggested that the proposed dwelling house two integral parking spaces one dedicated, the other for use by occupants of another dwelling on site. This was dismissed, however, on the basis that the design was inappropriate and that the residential amenity of occupants would be adversely affected by the use of non-dedicated garaging.

The design revisions have omitted the non-dedicated parking space, with the effect that if approved, there would be 10 spaces for 12 dwellings. Originally the Head of Highways and

Transportation recommended refusal on the basis that there were insufficient spaces for the number of dwellings on site. It was advised that 1.5 spaces/dwelling would be required, although this standard cannot be met under the current approvals.

Following discussions and having regard to the town centre location, the Transportation Officer has withdrawn the objection on the proviso that the applicant provides a secure bike store for a minimum of six bicycles to be located centrally to the site. This has been agreed and will be subject to a condition to agree the points of detail should members be minded to approve the application.

The letter of representation raises issues that pertain to the existing vehicular access, which serves the Eastnor House development, the Priory, the Priory Gatehouse and the recently approved bungalow. The points raised relate predominantly to the position of the traffic signals and the difficulty that this presents when attempting to join the traffic heading into the town centre, as well as the intensified use of this access. However, the position of the traffic lights and the perceived inadequacy cannot be considered as part of this application, whereas the development proposed would actually reduce the number of parking spaces on site, which may infer a reduction in the number of vehicular movements to and from the site.

3. The Impact on Residential Amenity

A further letter of representation raises concern over the potential for overlooking of the private amenity space associated with Clifton House, Worcester Road. The amenity space backs onto the development to the rear and is screened from ground level by a brick wall with trellis above.

Concern surrounds the potential overlooking from the first floor of the development proposed and it is not contested that a portion of the garden will be visible from the first floor. Overlooking of this space is currently possible from the rear of the dwellings that neighbour Clifton House as well as from the approved dwellings located to the northeast of the Eastnor House site. The judgement is therefore whether the potential for overlooking from the proposed dwelling would, in this context, render the development proposed unacceptable. It is the Officer's opinion that due to the existing potential for overlooking of this amenity space, the refusal of this application on amenity grounds alone could not be sustained.

4. Conclusion

The principle of development at this location is established. The design as amended is considered acceptable within the conservation area, and concern regarding the overlooking of private amenity space is not considered to constitute a substantive reason for refusal in this instance. The traffic signals on the Worcester Road are well established and notwithstanding the perceived difficulties with the arrangement the development reduces the number of parking spaces associated with the development. In accordance with sustainable transport objectives and in lieu of car parking space the applicant has agreed to provide a secure bike store on site.

It is considered that the development is acceptable and that the documented objections on highways and amenity grounds do not warrant refusal of the 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 - 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 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

- 5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 6 - Prior to commencement of development full details of the secure bike store including siting, scale and external appearance shall be submitted to and approved in writing by the local planning authority.

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

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN02 - Public rights of way affected

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCNE2004/3472/F - PROPOSED HOLIDAY PARK TO INCLUDE 6 LODGES FOR ALL YEAR ROUND SELF-CATERING HOLIDAYS AND B&B (12 MONTHS HOLIDAY USE) AT NEWBRIDGE, AYLTON, LEDBURY, HEREFORDSHIRE, HR8 2QG

For: W P Gardner at The Coach House, Aylton, Ledbury

Date Received:
8th October 2004

Ward:
Frome

Grid Ref:
66783, 37668

Expiry Date:
3rd December 2004

Local Member: Councillor Manning

1. Site Description and Proposal

- 1.1 This application is for the creation of a small holiday park on land to the north east of the A4172 opposite Newbridge Farm, Aylton. The site is set back from the road, behind an area of recently planted woodland.
- 1.2 The proposal seeks to erect six timber lodges. Access is to be gained via an existing field gate onto the A4172 and a surfaced track through the woodland that will be formalised if this application is approved.
- 1.3 The scheme has been amended since its original submission. The lodges are all arranged along the north-eastern boundary of the site with a curved access road running through the centre of the site. The amended plan indicates a substantial landscaping scheme of native species, whilst an area to the south west of the access road is left predominantly as open space.

2. Policies

Hereford and Worcester County Structure Plan

TSM1- Tourism Development
TSM2 – Tourism Development
TSM6 – Tourist Accommodation
CTC9 – Development Requirements

Malvern Hills District Local Plan

Landscape Policy 8 – Landscape Standards
Tourism Policy 8 – Holiday Caravan and Chalet Sites
Tourism Policy 13 – Farm Tourism

Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA2 – Landscape Character and areas least resilient to change
LA6 – Landscaping schemes
RST1 – Criteria for recreation, sport and tourism development
RST14 – Static caravans, chalets, camping and touring caravan sites

3. Planning History

None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No objection.

4.2 Forestry Commission: No objection.

Internal Council Advice

4.3 Head of Highways and Transportation has no objection subject to conditions.

4.4 Head of Environmental Health and Trading Standards has no objections.

5. Representations

5.1 Pixley and District Parish Council object to the application on the following grounds:

- a) Concerns over highway safety on the A4172.
- b) Change of character to the area.
- c) Concerns over the linear layout of the proposal.
- d) Not clear whether the proposal is to be run as a separate business or part of Newbridge Farm Park.

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

6. Officers Appraisal

6.1 The adopted Malvern Hills District Local Plan accepts the principle of such developments by virtue of Tourism Policy 8. It sets a number of criteria to be satisfied and, provided that these are all addressed, advises that new development will be permitted. These criteria relate to landscape impact, highway safety, residential amenity, flooding issues and acceptable design. The advice given by policy RST14 of the emerging Unitary Development Plan is a similar reflection of this.

6.2 The site is not visually prominent in the landscape. It is well screened from the public highway by the extensive planting that has already been carried out. The land continues to rise to the north east and it is given over to agricultural use. The site is therefore not visible from any public vantage point.

6.3 In its revised form, the proposal has a greater regard for the general landscape character of the area. The layout shows a considered landscaping scheme that will assist in assimilating the lodges into their surroundings.

6.4 The access to the site is positioned on a straight stretch of road. It is subject to national speed limits, but visibility is more than adequate in both directions to allow

safe access and egress to the site. It has been visited by the Council's Highways Officer and he has raised no objection subject to conditions, including the provision of adequate visibility splays. It is not considered that a recommendation for refusal could be substantiated on highway safety grounds.

- 6.5 The site is not in any proximity to residential dwellings and therefore the scheme will not result in any detrimental impact in terms of residential amenity.
- 6.6 The Environment Agency had originally objected to the proposal on the basis that the access to the site is located within a flood plain, and required that the applicant undertakes a flood risk assessment. This has now been completed and a separate emergency access agreed with the adjoining landowner should the need arise. This satisfies the concerns raised and the Environment Agency have subsequently withdrawn their objection.
- 6.7 The design of the lodges, clad in timber with steeply pitched slate roofs, is acceptable in a rural context. Subject to a condition to ensure that they remain only for holiday use and not as permanent residential accommodation, the scheme is considered to accord with the development plan. The application is therefore 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 - A09 (Amended plans)(14 December 2004)**

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

- 3 - B11 (Details of external finishes and cladding (industrial buildings))**

Reason: To secure properly planned development.

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

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

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

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

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

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

7 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

8 - H03 (Visibility splays)

Reason: In the interests of highway safety.

9 - E31 (Use as holiday accommodation)

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the building to the property known as [.....] in this rural location.

10 - The accommodation to which this permission relates shall only be used for the purposes of holiday accommodation as defined in condition no. 9 above and no one person or family group shall use any part of the lodges for more than four weeks in any eight week period.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCNE2004/3660/F - TWO HOUSES AND GARAGES TO REPLACE EXISTING BUNGALOWS AT 1, 2, 3 - 4 STATION BUNGALOWS, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6ED

**For: Mr & Mrs J C Justice-Carrier per Mr N J Teale
Bramble Farm Naunton Upton-upon-Severn
Worcestershire WR8 0FZ**

Date Received:
21st October 2004

Ward:
Hope End

Grid Ref:
75645, 42403

Expiry Date:
16th December 2004

Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 The application site is currently occupied by two single storey prefabricated buildings that are in residential occupation. They are separated from the main part of Colwall by the railway line and lie to the north west of the station. Vehicular access is gained via an unmade track that emerges onto Albert Road. This is also crossed by a public footpath.
- 1.2 The site is bordered to the south east by a local nature reserve. A linear piece of woodland lies to the north, running parallel to the railway, and this is protected by a Tree Preservation Order (TPO). It also falls within the Area of Outstanding Natural Beauty.
- 1.3 The application seeks to demolish both buildings and replace them with two, three bed dwellings. They are identical in design and are two storey with large external chimney stacks. They have a maximum ridge height of 7.4 metres and a footprint of 90m sq. The plans indicate the use of a facing brick and a small plain clay tile. This compares to the existing bungalows which each have a height of 4.8 metres and a footprint of 150m sq.
- 1.4 The replacement dwellings will be constructed on slightly different footprints but the development cannot occur with the demolition of the existing. The scheme also includes the erection of two double garages between the two dwellings with a shared access and turning area. Access will be maintained via the unmade track.

2. Policies

Hereford and Worcester County Structure Plan

H20 – Housing in Rural Areas
CTC1 – Areas of Outstanding Natural Beauty
CTC11 – Trees and Woodlands

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside
Landscape Policy 1 – Development Outside Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty

Herefordshire Unitary Development Plan (Revised Deposit Plan)

H7 – Housing in the Countryside Outside Settlements
LA1 – Areas of Outstanding Natural Beauty
LA3 – Setting of Settlements

Colwall Village Design Statement – serves as supplementary planning guidance and is therefore a material planning consideration.

3. Planning History

MH95/0531 - Demolition of 2 bungalows and erection of one chalet bungalow and double garage - Outline approval 11/07/95. This permission has not been implemented.

4. Consultation SummaryStatutory Consultations

None relevant.

Internal Council Advice

- 4.1 Head of Highways and Transportation has no objection subject to condition.
- 4.2 Public Rights of Way Manager has no objection but draws attention to the existence of the public footpath.
- 4.3 Conservation Officer has no objections.
- 4.4 Landscape Officer is concerned that plot 2 encroaches onto protected woodland. The site plan is not sufficiently clear to assess the impact of the development.

5. Representations

5.1 Colwall Parish Council comments are summarised as follows:

- a) Objects to any development outside of the settlement boundary.
- b) Narrow access. Construction and emergency vehicles unlikely to gain access.
- c) Access via Albert Road would increase traffic.
- d) Ground is made up of waste from railway tunnel construction.
- e) There is a substantial colony of adders within the application site.
- f) A single bungalow should be constructed as two houses will affect sight lines to the Malvern Hills.

5.2 The Area of Outstanding Natural Beauty Officer comments as follows: The proposal will be screened by several belts of trees from the Central Hills. The site is close to Colwall Nature Reserve, so care should be taken to ensure that this is not polluted.

- 5.3 Malvern Hills District Footpath Society highlight the existence of a public footpath.
- 5.4 The Ramblers Association highlight the existence of a public footpath.
- 5.5 Herefordshire Biological Records Centre checked the existence of protected species within 1km of the site. Records show, lesser horseshoe bat and brown long-eared bat, but not on actual site. No adders found.
- 5.6 The CPRE comment as follows: We are concerned about the impact of the landscape that two-storey houses would have in this most important setting in the heart of the Malvern Hills Area of Outstanding Natural Beauty. In our view such houses would be intrusive both seen from Colwall and from the hills. We therefore ask the Council to approve only single storey dwellings.
- 5.7 One letter of objection has been received from Mr I R Nesbitt, who comments that the development is too large and out of keeping, will hamper views to the Malvern Hills and will increase traffic to the detriment of highway safety.
- 5.8 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The existing bungalows on the site do have an established residential use. They are of no particular character and do not contribute positively to the appearance of the wider area. The principle of replacement is therefore acceptable.
- 6.2 The proposed dwellings each have a total floor area of 140m sq and obviously this translates to a significantly smaller footprint than the existing single storey accommodation. Whilst they are not of the same size as the bungalows as Housing Policy 4 suggests their general scale and proportions have a rural context and the choice of materials, subject to exact details are more reflective of the surrounding area than the bungalows. Whilst the proposal may not accord with this part of the policy in the strictest terms, it is considered to be significant visual improvement and has greater regard for the character of the village than the bungalows.
- 6.3 Although the site is physically detached from the village by the railway line, views of it from a distance will see it in the same context, and not as a prominent development in the foreground of the built mass of the settlement. As pointed out by the Area of Natural Outstanding Beauty Officer several belts of trees do exist that will screen any view from the Malvern Hills.
- 6.4 Concerns regarding issues of highway safety are difficult to substantiate in light of the fact that the site has an existing residential use and is occupied by dwellings of an almost identical size. Issues relating to potential disturbance from construction traffic can be addressed by the imposition of a condition limiting hours during construction.
- 6.5 In response to the parish Council's suggestion that a colony of adders inhabit the site, advise was sought via the Council's Ecologist, and the results can be seen in paragraph 5.5. However it may be pertinent to impose a watching brief type condition in order that on site investigations can be made prior to the commencement of development.

- 6.6 In response to the Landscape Officers comments relating to the potential encroachment into the area of woodland to the north, the applicants agent has been asked to submit a more detailed block plan. However, having visited the site, the development would appear to be confined to an area considered as domestic curtilage and would not impinge on the Tree Preservation Order trees. Clearly if any works are subsequently required these will be the subject of separate consent. A condition can be imposed to highlight this fact.
- 6.7 In conclusion the proposal is considered to accord with the development plan. It will not be detrimental to the setting of the Area of Outstanding Natural Beauty nor will it result in any demonstrable increase in traffic movement rendering it acceptable in terms of highway safety. The application is therefore recommended for approval.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - C05 (Details of external joinery finishes)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - G38 (Nature Conservation - access for recording)

Reason: To allow the potential nature conservation interests of the site to be investigated and recorded.

6 - G16 (Protection of trees covered by a Tree Preservation Order)

Reason: To ensure the proper care and maintenance of the trees.

7 - G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

8 - G01 (Details of boundary treatments)

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**10 DCNE2004/3866/F – CHANGE OF USE TO FORM
ADDITIONAL CAR PARKING AT LAND ADJACENT TO
THE KETTLE SINGS, JUBILEE DRIVE, UPPER
COLWALL, MALVERN, WORCESTERSHIRE WR14 4DX**

**For: Malvern Hills Conservation per Aubrey Roper,
Dolefield Cottage, Bank Farm, Mathon, West Malvern,
Worcestershire WR13 6DN**

Date Received:
9th November 2004

Ward:
Hope End

Grid Ref:
7648, 4210

Expiry Date:
4th January 2005

Local Members: Councillor R Stockton and Councillor R Mills

1. Site Description and Proposal

- 1.1 This application is for the creation of an additional parking area adjacent to The Kettle Sings, Jubilee Drive, Colwall. The site measures 19 metres by 5 metres and designed to provide parking for 8 vehicles. It will be surfaced with dressed stone and bays demarcated with gravel boards. This will match an existing parking area immediately to the front of the café.
- 1.2 The parking area will be dug into the land due to the rising slope to the east. The cross-sectional plans show the excavation to be approximately 0.5 metres with excavation spoil used to create a graded bank into the common land beyond.
- 1.3 The site is within the Malvern Hills Area of Outstanding Natural Beauty. It lies in close proximity to two 'Pay and Display' car parks accessed off Jubilee Drive, but is intended to specifically serve the café.

2. Policies

Hereford and Worcester County Structure Plan

CTC1 – Areas of Outstanding Natural Beauty

LR3 – Low Key Recreational Facilities

Malvern Hills District Local Plan

Landscape Policy 2 – Areas of Outstanding Natural Beauty

Tourism Policy 1 – Tourism and the Areas of Outstanding Natural Beauty

Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA1 - Areas of Outstanding Natural Beauty

NC1 – Biodiversity and Development

3. Planning History

None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Highways and Transportation has no objection.

5. Representations

5.1 Colwall Parish Council have no objection.

5.2 Areas of Outstanding Natural Beauty Officer objects to the application on the following grounds:

- a) The car park will intrude in the landscape.
- b) Visitors will use the car park to avoid paying fees on the adjacent Conservators car parks.
- c) The proposal does not accord with the Conservators own parking strategy, or the Malvern Hills Management Plan 2004 – 2009.

5.3 Herefordshire Nature trust object to the application on the basis that it will be detrimental to the Area of Outstanding Natural Beauty and is contrary to policies seeking to promote nature conservation.

5.4 One letter of objection has been received from Mr and Mrs Robinson, Baxhill, Chase Road, Upper Colwall. It questions the need for additional car parking and suggests that the proposal will not address problems of illegal/antisocial car parking in the area more generally.

5.5 One letter of support has been received from Mr and Mrs Crowther, 38 West Road, Bromsgrove who suggest that the restaurant provides a good service and patrons would benefit from a closer alighting point.

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

6. Officers Appraisal

6.1 It is acknowledged that two parking areas exist in close proximity to the café. These are both pay and display and are available to visitors to the area. The café has a small dedicated area of parking and wishes to enlarge this for its patrons.

- 6.2 It has been suggested that there is adequate car parking available and that this proposal does not accord with the Conservators own parking strategy. However, this is not adopted policy of Herefordshire Council and therefore is not material to this application. The scheme does not imply that it seeks to resolve parking problems in the wider area, it simply seeks to provide free parking to the cafes patrons.
- 6.3 The principal issue to consider is the potential impact of this proposal on the landscape. This may be considered cumulatively with the existing parking areas, with the assessment being made as to whether the addition of this area causes sufficient harm to the character and appearance of the Area of Outstanding Natural Beauty to warrant the refusal of this application.
- 6.4 The surfaced area of this proposal equates to 95m². Some further intervention into the landscape will also result through the grading of land immediately to the east. The application form advises that the total area of the application is 130m². This allows a further two metre strip to be graded.
- 6.5 The area is to be set into the land by 0.5 metres. It then continues to rise quite steeply to the east to Jubilee Drive. This is the most immediate vantage point from which to view the site, with views taken through a copse of trees with the café itself as a backdrop.
- 6.6 The application involves a small area of land and it is your officer's opinion that the proposal would not cause any demonstrable harm to the visual amenity of the area, either individually or cumulatively with other parking areas. It is not considered that it is sufficiently harmful to warrant a recommendation for refusal, and the application is therefore 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 - G07 (Details of earth works)**

Reason: To protect the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

- 3 - A08 (Development in accordance with approved plans and materials) (04/2169/1)**

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCNC2004/2407/F - CHANGE OF USE OF REDUNDANT OUTBUILDING TO FORM A SINGLE DWELLING AT REAR OF FORMER MAGISTRATES COURT, 15-17 BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE

DCNC2004/2408/L – AS ABOVE

**For: P Shock, The Old School House, Eyton,
Leominster, Herefordshire, HR6 0AG**

Date Received:

1st July 2004

Ward:

Leominster South

Grid Ref:

49510, 59074

Expiry Date:

26th August 2004

Local Member: Councillor R Burke & Councillor J Thomas

1. Site Description and Proposal

- 1.1 The applications for both planning permission and listed building consent relate to the conversion of redundant outbuilding to the former magistrates courts to a single residential unit at number 15-17 Burgess Street, a Grade II listed building. The proposal indicates a single room on ground and first floor providing kitchen/dining/living area and single bedroom and shower room respectively.
- 1.2 Parking is provided in front of the building, and is accessed via Burgess Street, along the side of the former magistrates building.

2. Policies

Leominster District Local Plan

A1 – Managing the Districts Assets and Resources

A2 – Settlement Hierarchy

A18 – Listed Buildings and their Settings

A21 – Development within Conservation Areas

A24 – Scale and Character of Development

A32 – Development within Towns and Shopping and Commercial Areas

A47 – Targets for Housing Land

A54 – Protection of Residential Amenity

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S3 – Housing

S5 – Town Centres and Retail

S6 – Transport

DR1 – Design

H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H14 – Revising Previously Developed Land and Buildings
H15 – Density
H16 – Car-parking
H18 – Alterations and Extensions
TCR1 – Central Shopping and Commercial Areas
TCR2 – Vitality and Viability
T11 – Parking Provision
HBA1 – Alterations and Extensions to Listed Buildings
HBA4 – Setting of Listed Buildings
HBA6 – New Development within Conservation Areas
HBA8 – Locally Important Buildings

3. Planning History

- 3.1 DCNC2004/0407/F – Full planning application for a change of use and minor alterations to form 2 no. dwellings with the adjacent former magistrates court – Permitted 31 March 2004. this included a condition preventing off-street parking in the interests of highway safety. However, this condition was recently the subject of a successful appeal and has been removed.
- 3.2 DCNC2004/04 – Listed Building Consent for change of use and minor alterations to form 2 no. dwellings with the adjacent former magistrates court – Permitted 31 March 2004.

4. Consultation Summary

Internal Council Advice

- 4.1 Head of Highways and Transportation recommend that any permission be subject to the following condition:
- No dedicated off street parking for the proposed dwelling.
Reason: In the interests of the promotion of the sustainable modes of travel and also highway safety with respect to the sub-standard access from Burgess Street.
- 4.2 Head of Historic Buildings and Conservation - no objections. The application accords with pre-application consultations with the Historic Buildings Officer. Requests conditions for joinery details.

5. Representations

- 5.1 Town Council recommend refusal as it is felt that the proposal would change the character of the adjacent listed building and that this would contribute over development of the site.
- 5.2 No representations have been received in response to the statutory publicity procedure.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 Policy A18 sets out criteria for consideration of such proposals. The proposal has been received following pre-application discussion, and accords with the advice offered. It is considered that the proposal complies with this policy.
- 6.2 In terms of Policy A21 of the Leominster District Local Plan, it is considered that the proposal enhances the character and appearance of the area, and also retains the important open space to the fore of the site which will be paved as currently.
- 6.3 The Head of Highways and Transportation suggests a similar condition to that recently removed on appeal for the adjacent building. Consequently, it is considered inappropriate to impose this condition on this occasion.
- 6.4 In conclusion, it is considered that the proposal complies with relevant policies and can be supported accordingly.

RECOMMENDATION

DCNC2004/2407/F

That planning permission be granted subject to the following conditions:

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

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

- 2 - C02 (approval of details) (a) joinery details b) meter boxes positions)**

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

- 3 - C03 (external elevations)**

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

Informatives:

- 1 - NC01 - Alterations to submitted/approved plans**
- 2 - N14 - Party Wall Act 1996**
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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DCNC2004/2408/L

That Listed Building Consent is granted subject to the following conditions:

1 - C01 (time limit for commencement (Listed Building))

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

2 - C02 (Approval of details) (a) joinery details) (b) meter boxes positions

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

3 - C03 (external elevations)

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

Informatives:

- 1 - NC01 - Alterations to submitted/approved plans**
- 2 - N14 - Party Wall Act 1996**
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCNC2004/2578/F - CONVERSION OF REDUNDANT AGRICULTURAL BUILDING INTO A SINGLE DWELLING AT BUILDING ADJOINING THE SALLIES, LITTLE COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4RQ

**For: Mr & Mrs J Hodges per Mr R Burraston Foxhall
Bringsty Common Worcester WR6 5UN**

Date Received:
12th July 2004

Ward:
Bromyard

Grid Ref:
60614, 50773

Expiry Date:
6th September 2004

Local Member: Councillors P Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 The Sallies is located on the north side of the C1117, in an area of open countryside. Three Elms is to the north, and the Three Horse Shoes PH is to the north-west.
- 1.2 This application proposes the residential conversion of a red brick storage building that is to the rear of The Sallies, accommodating lounge and kitchen/living room on the ground floor with two bedrooms and a bathroom at first floor level.

2. Policies

2.1 Malvern Hills District Local Plan

Conservation Policy 12 – Residential conversion of agricultural and other rural buildings
Landscape Policy Policy 1 – Development outside settlement boundaries

2.2 Hereford and Worcester County Structure Plan

H20 – Housing in the open countryside
CTC 9 – Development criteria
CTC 14 – Criteria for the conversion of buildings in rural areas

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA 12 – The re-use of traditional rural buildings for residential purposes

- 2.4 PPG1 – General policy and principles
PPS7 – Sustainable development in rural areas
SPG – Re-use and adaptation of traditional rural buildings

3. Planning History

N98/0103/N - Conversion of building to residential use. Withdrawn.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Highways and Transportation: No objection subject to conditions.

4.3 Chief Conservation Officer: No objection.

5. Representations

5.1 Little Cowarne Parish Council: No reply received.

5.2 Letter from Mr and Mrs T Chadwick, Three Elms, Little Cowarne:

- a) The proposal would alter the general look of the area.
- b) We overlook the property and its re-use as a dwelling would encroach onto our privacy.
- c) Windows in the north-west and south-west elevations would encroach on our privacy.

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 Conservation Policy 12 deals specifically with proposals for the residential re-use of rural buildings, setting a criterion for consideration.

6.2 The building is of a size and condition that can accommodate the proposal without the need for extension or rebuilding. The submitted scheme retains the character of the building in that all existing window and door openings are utilised throughout the proposal.

6.3 In terms of its impact on Three Elms is concerned, the windows in the north-west elevation will provide light to a stairwell and light and ventilation to a bathroom. The window in the south-west elevation is to a bedroom. It is not considered the windows in the north-west elevations will give rise to loss of residential amenity to the neighbour through overlooking. The window in the south-west elevation will look out onto a drive with peripheral views into the garden of Three Elms. However as the window will serve a non-habital room, it is not considered that there will be significant overlooking so as to give rise to loss of amenity to the occupiers of Three Elms. The building is located in a small group of dwellings where its residential re-use would not cause detrimental harm to the locality.

6.4 The building has been marketed in accordance with the Council's Supplementary Planning Guidance on the re-use of rural buildings, to establish whether there is potential for employment generating uses. The marketing through local agents, and advertising in The Hereford Times resulted in no interest.

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 - E16 (Removal of permitted development rights)

Reason: To bring any future development under planning control.

- 3 - H03 (Visibility splays) (2m x 45m)

Reason: In the interests of highway safety.

- 4 - H05 (Access gates) (6m)

Reason: In the interests of highway safety.

- 5 - H15 (Turning and parking: change of use - commercial) (2 cars)

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

Informatives:

- 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 PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCNC2004/2965/RM - PROPOSED DETACHED SEMI-BUNGALOW WITH GARAGE ON LAND ADJACENT TO OAKLANDS, EDWYN RALPH, BROMYARD, HEREFORDSHIRE, HR7 4LX

For: Mr G Morris per Mr N La Barre, Easters Court, Leominster, Herefordshire, HR6 0DE

Date Received:
12th August 2004

Ward:
Bringsty

Grid Ref:
63945, 58050

Expiry Date:
7th October 2004

Local Member: Councillor T Hunt

1. Site Description and Proposal

- 1.1 Oaklands is located between Woodlands and Oakdene and on the south side of a narrow unmade track that exits onto the B4214. The site, which forms the garden to Oaklands, is located in the settlement boundary of Edwyn Ralph as shown on Inset Map No. 17.18 in the Malvern Hills District Local Plan.
- 1.2 This application is for the approval of reserved matters following an outline planning permission DCNC2004/0616/O. The outline planning permission reserved all matters except means of access for future consideration. This application proposes an L-shaped dormer styled bungalow accommodating lounge, dining room, breakfast/kitchen, bedroom, study, entrance hall and garage on the ground floor with two bedrooms with en-suite bathrooms in the roof space.

2. Policies

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Housing Policy 17 – Residential Standards
Landscape Policy 8 – Landscape Standards

Hereford and Worcester Country Structure Plan

CTC9 – Development Criteria

Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design
S3 – Housing
H6 – Housing
PPG1 – General Policy and Principles
PPG3 – Housing
PPS7 – Sustainable Development in Rural Areas

3. Planning History

MH84/0192 - Replacement dwelling. Approved 8.3.84.

DCNC2004/0616/O - Detached semi-bungalow. Approved 21.4.04.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations required.

Internal Council Advice

4.2 Head of Highways and Transportation: No objection.

5. Representations

5.1 Edwyn Ralph Parish Council: No objection, but query sewerage system.

5.2 Letters of objection have been received from

Mr I McGiver, Oakdene, Edwyn Ralph
I and K D McGiver, Oakdene, Edwyn Ralph

- a) Drainage to a septic tank could be problematical
- b) The proposed dwelling is much bigger than shown on the outline planning permission
- c) Originally the garage was shown on the opposite side to us
- d) The position of the dwelling will affect our outlook
- e) Potential loss of hedgerow

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 DCNC2004/0616/O that reserved all matters except means of access for future consideration.

6.2 This application proposes the erection of an L-shaped dormer style bungalow accommodating bedroom, bathroom, study/dining room, lounge, breakfast room, kitchen and garage on the ground floor with two bedrooms and bathrooms in the roof space.

6.3 The bungalow is in a position and is of a design that will not give rise to loss of residential amenity to the neighbours. The bungalow design is appropriate for this part of Edwyn Ralph.

- 6.4 Drainage is to be disposed of by way of sewage treatment plant and soakaway system that will be installed a minimum distance of 5m from a ditch that runs behind the site. The Environment Agency has confirmed this to be satisfactory.
- 6.5 The hedgerows of the boundary site are to be retained by way of conditions imposed on the outline planning permission.

RECOMMENDATION

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

Informatives:

1 - The attention of the applicant is drawn to the conditions on the outline planning permission granted on 21 April 2004 (Reference No. DCNC2004/0160/O). This application for the approval of reserved matters is granted subject to these conditions.

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**14 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

Introduction

This application was deferred at the last sub-committee meeting for additional information on the supervision and care of residents of the care home, see below, and highway appraisal from the Head of Highways and Transportation, which are reported at paragraph 6.3.

The applicant has said:

Duration of stay:

Residents will be permanent.

Care and supervision:

The property will be registered with the Commission for Social Care Inspection (CSCI) as a care home. The standards of care and supervision will meet the requirements of the Care Standards Act. The home will be subject to regular inspection by CSCI.

Between 07.30 and 21.30 there will be 4 members of staff plus 1 manager. Outside these hours, there will be 1 night worker and 1 night sleeping member of staff.

The home will have a full-time manager who will be registered with the Commission for Social Care Inspection.

Degree of disability:

As already advised, residents will be disabled as defined in Part 1 of the Disability Discrimination Act 1995.

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 Highways and Transportation: 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, and the road network will cope adequately with the traffic generated by this proposal.
- 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:

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Background Papers

Internal departmental consultation replies.

15 DCNC2004/3516/F - CONVERSION OF FARMHOUSE AND OAST HOUSE TO PROVIDE 3 NO DWELLINGS. GARAGING AND STABLES AT BRIERLEY COURT , BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

DCNC2004/3517/L – AS ABOVE

For: S & A Property Ltd per Batterham Matthews Design Ltd 1 Tollbridge Studios Tollbridge Road Bath Wilts BA1 7DE

Date Received:
12th October 2004

Ward:
Leominster South

Grid Ref:
49540, 55950

Expiry Date:
7th December 2004

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

1.1 The site is located south of unclassified road 93600 in the hamlet of Brierley approximately 2 miles south of Leominster Town. The buildings the subject of the applications comprise of a late 18th century house with relatively formal elevations constructed from stone under a natural slate roof with well proportioned fenestration. West and attached to the house is a former hop drying warehouse with attached hop kiln which retains a distinctly agricultural appearance reminiscent of its previous use. The house and attached warehouse and hop kiln are Grade II listed as is a further range of timber-framed stone barns immediately north of the site. East is an extensive range of barns for which are currently being converted to holiday units, north-west is a detached dwelling and west are two large agricultural buildings which historically have been used in connection with hop production and are now being used for general storage. South is largely agricultural pasture land.

1.2 The applicants propose the conversion of the existing dwelling, attached oast house and hop kiln to create three 4-bedroomed dwellings, along with the provision of new garaging/domestic storage and stabling to serve each of the three units. The existing access will serve unit 1 with the access which currently serves the modern agricultural buildings to serve units 2 and 3.

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC2 – Areas of Great Landscape Value
 CTC7 – Listed Buildings and their settings
 CTC9 – Development requirements
 CTC13 and CTC14 – Conversion of buildings
 H20 – Housing in rural areas

2.2 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2 – Settlement hierarchy
- A9 – Safeguarding rural landscape
- A18 – Listed Buildings and their settings
- A57 – Sub-division of houses
- A60 – Conversion of rural buildings outside settlements to residential use
- A78 – Protection of Public Rights of Way

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- HBA1 – Alterations and extensions to Listed Buildings
- HBA3 – Change of use of Listed Buildings
- HBA4 – Setting of Listed Buildings
- HBA13 – Re-use of rural buildings for residential purposes
- LA2 – Landscape character and areas least resilient to change
- H7 – Housing in the countryside outside settlements
- H17 – Sub-division of existing housing

- 2.4 PPS7 – Sustainable development in rural areas
- PPG15 – Planning and the historic environment
- Supplementary Planning Guidance – Re-use and adaptation of traditional rural buildings

3. **Planning History**

- 3.1 None identified.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Environment Agency: No objection subject to condition concerning the scheme for the disposal of foul drainage.
- 4.2 English Heritage: 'We have considered the application and do not wish to make any representation on this occasion.'

Internal Council Advice

- 4.3 Head of Highways and Transport: No objection subject to conditions concerning visibility from the access and adequate parking provision.
- 4.4 Chief Conservation Officer: No objection in principle but detailed design causes major concern. I suggest that many issues might be resolved by negotiation but as it stands I object to this proposal on design grounds.
- 4.5 PROW Manager: The proposed development would appear to affect Public Footpath ZC86 which crosses the application site, in particular the proposed landscaping in north-west corner of the site should not encroach onto the footpath which must be a minimum width of 2 metres. If this requirement cannot be met the applicant can apply for a Footpath Diversion Order under the Town and Country Planning Act 1990.

5. Representations

- 5.1 Leominster Town Council: Recommend approval.
- 5.2 Two letters of objection have been received from Mrs P Johnson, Secretary, Arrow Valley Residents Association, and Tom Inglis of Hillview, Aulden, Leominster. The main points raised are:
- a) There are already 6 dwellings (barn conversions) under construction in Brierley hamlet and the proposed development will increase the amount of traffic using the lanes which are very narrow and not of sufficient standard to accommodate the likely traffic.
 - b) The access roads for unit 2 and 3 crosses public right of way from Brierley hamlet up to Brierley Wood which is a popular route for local people going to the ancient hill fort of Ivington Camp.
 - c) The farmhouse Grade II listed and merits careful consideration before any permission is granted to make permanent alterations.
 - d) The applicants have recently had permission refused for two large farm buildings. Any new buildings that are required should be an extension of the existing farmstead and the approval of this development would prevent the more natural development of the farm. The applicant should prove that he has no viable use for the warehouse and hop kiln buildings in their present form.
- 5.3 A letter of support has been received from Lyn Hazel and Elaine Johnson, Walnut Tree Cottage, Brierley, and Yew Tree Cottage, Brierley, who comment that 'The proposals appear to be a sympathetic and positive change from one dwelling to three, with appropriate access and does not have a negative impact on our homes. In our view, the development is compatible with the adjoining barn conversions which overall benefit the community living in the hamlet of Brierley.'
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The existing dwelling, attached oast house and hop kiln, alongside the range of timber-framed stone barns, form an impressive group of buildings of considerable architectural and historic interest. As such, they warrant sensitive renovation and conversion to ensure their long-term survival. As the oast house and hop kiln is physically attached to the existing dwelling, it is not considered necessary for the former agricultural buildings to be marketed in the normal manner as these buildings could be used for purposes ancillary to the principal dwelling including ancillary residential accommodation.
- 6.2 The form of the buildings is such that they sub-divide into three units relatively comfortably. However, some reorganisation of internal room layout is required in order to satisfactorily divide and create three independent units. The extent of alteration has generated an objection from the Conservation Officer and as a result the applicants have been given the opportunity to amend and somewhat simplify the plans. Amended plans are currently awaited identifying these alterations.

- 6.3 A number of external alterations are also required including the creation of new window openings particularly within the former oast house. As with the internal alterations, a degree of external alteration is inevitable in introducing a residential use. The number of new openings originally proposed is considered to be excessive. Once again, the applicants have been given the opportunity to reduce the number of openings, both within the oast house and existing dwelling. However, amendments have been discussed with the agents and the Conservation Officer and it is anticipated that the amended plans will address the concerns raised by the Conservation Officer.
- 6.4 The existing property is set within the large curtilage, which is proposed to be sub-divided through post and wire fencing to create three separate garden areas. The method of sub-division is such that the impact on the setting will be minimal subject to the removal of permitted development rights preventing the proliferation of garden sheds and other domestic paraphernalia. Also proposed are garaging, domestic storage and stables. These are to be constructed from high quality materials, namely timber frame clad with weatherboard under a clay tile roof. The impact on the setting impact will be minimal largely due to the siting. This is providing the garaging for properties 2 and 3 are repositioned southwards to move them slightly further away from the listed property.
- 6.5 Along with the garaging, the necessary amount of vehicle parking and manoeuvring area for each of the units is proposed and Highways raise no objection to the access arrangements subject to slight improvement in visibility. No concerns are also raised with the capacity of the road network to accommodate the existing and proposed traffic associated with the development. The applicants have been advised of the actual line of the footpath and the need to retain the footpath unobstructed or submit a formal diversion order.
- 6.6 Subject to the submission of satisfactory amended plans addressing the design concerns raised above, the proposed sub-division of the property to create three dwellings is considered acceptable in accordance with Policy A18 and A57, in particular, of the Leominster District Local Plan.

RECOMMENDATION

NC04/3516/F

Subject to the receipt of suitably amended plans, the officers named 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 - A09 (Amended plans)

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

3 - E16 (Removal of permitted development rights)

Reason: To safeguard the character and appearance of the buildings of architectural and historical interest and their setting.

4 - B01 (Samples of external materials)

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

5 - No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the local planning authority. No part of the development shall be brought into use until such treatment plant has been installed in accordance with the approved details.

Reason: To prevent pollution of the water environment.

6 - H03 (Visibility splays) (2.4m x 33m)

Reason: In the interests of highway safety.

7 - 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.

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.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN02 - Public rights of way affected
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway

Decision:

Notes:

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NC04/3517/L

Subject to the receipt of suitably amended plans, the officers named 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 Buildings))

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCNC2004/3716/F - CHANGE OF USE OF GROUND FLOOR TO SNOOKER HALL AT BROOK HALL, 27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE

DCNC2004/3717/L – AS ABOVE

**For: Mr M Roberts per Mr T Margrett Green Cottage
Hope Mansel Ross-on-Wye Herefordshire HR9 5TJ**

Date Received:
26th October 2004

Ward:
Leominster North

Grid Ref:
49556, 59240

Expiry Date:
21st December 2004

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

1. Site Description and Proposal

- 1.1 Brook Hall, a Grade II Listed Building, is located on the west side of Broad Street, between the restoration shop and Vicarage Street. It is in the Leominster Conservation Area and within a primarily residential area as shown on the Leominster Town Centre Inset Map in the Leominster District Local Plan. It is a two-storey building with attic rooms, faced in yellow brick under a Welsh slate roof. The building is vacant. The ground floor was last used by New Life Church.
- 1.2 These applications propose the use of the ground floor as a snooker hall and lounge bar.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A2 – Settlement hierarchy
- A18 – Listed Buildings and their settings
- A21 – Development within Conservation Areas
- A52 – Primarily residential areas
- A54 – Protection of residential amenity

2.2 Hereford and Worcester County Structure Plan

- CTC7 – Development and features of historic and architectural importance

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- HBA1 – Alterations and extensions to Listed Buildings
- HBA3 – Change of use of Listed Buildings
- HBA6 – New development within Conservation Areas

2.4 PPG1 – General policy and principles

- PPG6 – Town centres and retail development
- PPG15 – Planning and the historic environment

3. Planning History

98/0142 - Internal works. Approved 17.8.98.

DCNC2004/0182/F & DCNC2004/0183/L - Conversion to snooker hall and bar area and 4 flats. Refused 11.8.04.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Highways and Transportation: No objection.

4.3 Chief Conservation Officer: 'Behind the early C20 brick facing lies a remarkable timber-framed, two-storey with attic, C16 house with a jettied cross wing to the north. A brief survey undertaken some ten years ago revealed that this is a quality building whose high status is shown by its close studding and chevron decoration on the north side which is now also hidden by a rendered covering.

The early floor plan, with cross passage, is evident and much of the timbered structure remains. At first floor level, there is evidence of some remarkable and rare wall paintings one of which is partly visible behind a more recent covering of fibre-board.

Later changes to the house are also of significant interest. One of the rear first floor chambers contains surprisingly complete C17 fielded panelling and a moulded fireplace. Features from an C18 fashionable 'makeover' include the plastering of internal floor beams, some of which contain decorative mouldings; moulded architraves, heavy six-panel doors and deep skirtings. All of these add distinction and character to the property.

Brook hall is a property of great historical and architectural interest. In view of its status and of its surviving features, it is considered to be approaching the category of a two star rated building.

As the application states that there will be no alterations, the need for Listed Building Consent is questioned. However, despite the statement that there will be no changes, there are concerns with this application because it is likely that some aspects of the work will affect the character of the building. The proposed use of the smaller rooms in the older part of the property is not entirely clear except that one room will contain a bar. To ensure that the character and fabric of the room is retained, details of how that bar will be serviced, as well as details of the bar itself will be required. During a previous application, it was noted that several doors had been removed. The application drawing shows doors in place and details of re-instated, replacement doors will need to be provided.

More major changes, such as the installation of kitchens, wastes and extracts, are likely to have an impact on this property and listed building consent will be required for such works.

Any changes to the fabric of the building to comply with the building regulations, especially fire, sound and access, are likely to affect the special interest of the building and listed building consent will be required for these works. Given the sensitivity of this building to change, these issues could be problematical.

Any repairs, other than purely traditional and 'like for like' will need listed building consent.

Although there is no objection in principle to change of use for rear of building, the lack of information regarding the proposals for the rest of the ground floor cause serious concern. As the application stands, I must reluctantly recommend approval, but request that conditions regarding the provision of details of bar area and doors are imposed. I would also request that the applicant is made aware of the fact that any additional works, not contained in this application, will require an additional application for listed building consent.'

5. Representations

- 5.1 Leominster Town Council: 'Recommends refusal as this development is considered to be:
- 1) inappropriate use of an historic building; and
 - 2) in an inappropriate location on a busy, blind corner.'
- 5.2 Nine letters of objection have been received:
- a) This is not a suitable location for a snooker hall and would be detrimental to Brook Hall, and to the Conservation Area.
 - b) This is a primarily residential area with established shops and boarding house businesses which assist other businesses in the town. The ambience and well-being of areas like this is vital to the regeneration of the town centre and its long-term business future.
 - c) There is inadequate parking.
 - d) There are already 3 snooker halls in Leominster, we do not need another, and there are enough bars.
- 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 These applications have been submitted following the decision to refuse the previous proposals NC2004/0182/F and NC2004/0183/L, for the following reason:
- 'It is considered that the proposal does not recognise or respect the special qualities of this Listed Building. The alterations required to bring this building into alternative use are considered invasive so as to adversely affect and destroy its architectural and historic character. As such, the proposal is contrary to Policy A18(D) of the Leominster District Local Plan (Herefordshire), Policy CTC7 of the Hereford and Worcester County Structure Plan and the advice contained in Planning Policy Guidance Note 15: Planning and the Historic Environment.'*
- 6.2 This application is for the change of use of the ground floor only to snooker hall with no alterations to the historic fabric of this Listed Building. However, a free-standing bar is proposed. The proposal does not affect the first floor.
- 6.3 Brook Hall is located within a primarily residential area where other uses can be developed while maintaining a pleasant residential environment, as shown on the Leominster Town Centre Inset Map in the Leominster District Local Plan. The ground floor of the building was last used as a place where people congregate, uses included place of worship, day nursery and other group activities.

- 6.4 Generally, snooker halls do not cause noise nuisance that would give rise to loss of residential amenity. While it is acknowledged that there may be some unwelcome and undisciplined behaviour of patrons when leaving the snooker hall, it is not considered that this will lead to unacceptable disturbance. However, given the location of the building, it would not be unreasonable to restrict opening times to coincide with licensing hours.
- 6.5 Matters of competition with other snooker halls and other licensed premises in Leominster are not material planning considerations in the determination of this application.
- 6.6 Brook Hall is located close to a large public car park and close to available public transport. Given the close proximity to these facilities the proposal lends itself favourably to underprovision of parking, thereby creating a sustainable form of development.

RECOMMENDATION

NC04/3716/F

That planning permission be granted subject to the following conditions:

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

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

- 2 - E06 (Restriction on Use) (snooker hall) (D2)**

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

- 3 - F01 (Scheme of noise attenuating measures)**

Reason: To safeguard the amenity of the area.

- 4 - F14 (Time restriction on music)**

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

- 5 - C02 (Approval of details) (a) the free standing bar)**

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

Informative:

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

Decision:

Notes:

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NC04/3717/L

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

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

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

5 - C02 (Approval of details) (a) the free standing bar)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**17 DCNW2004/0429/F - RECONSTRUCTION OF
DEMOLISHED COTTAGE AT MOSELEY COTTAGE,
PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE,
HR6 9HY**

**For: Mr R L Norman & Miss P Hulme per David Taylor
Consultants, The Wheelwright's Shop, Pudleston,
Leominster, Herefordshire HR6 0RE**

Date Received:
6th February 2004

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
37995, 58756

Expiry Date:
2nd April 2004

Local Member: Councillor Roger Phillips

Introduction

This application was deferred at the Northern Area Planning Committee on 16 June 2004, in order to further clarify the legal implications associated with Purchase Notice procedures. In addition to this the applicant has sought to resolve the concerns raised by the Environment Agency.

The attached report has been updated to take account of the above.

1. Site Description and Proposal

- 1.1 The site known as Moseley Cottage comprises a 0.436 hectare plot consisting of the remnants of a derelict red brick, stone and slate cottage within an area of mixed vegetation, scrub, semi-mature and mature trees.
- 1.2 The site of the cottage itself is well screened from the surrounding open countryside and the public footpaths which run to the east and south of the wooded area.
- 1.3 The site is otherwise surrounded by agricultural land comprising the holding known as The Leen and is accessed via an unmetalled track which serves the main farm complex some 870 metres to the north-east and a number of other private residences.
- 1.4 To the south of the site is Moseley Common, a Site of Special Scientific Interest. It lies within the flood plain of the River Arrow and the access track cuts across a Scheduled Ancient Monument (North Herefordshire Rowe Ditch) which is located at some distance to the east of the derelict cottage.
- 1.5 Planning permission is sought for the reconstruction of the derelict cottage to provide a 3 bedroom dwelling utilising a similar but slightly larger footprint. The elevation treatments seek to reflect the character and appearance of the former cottage.

2. Policies

Government Guidance

PPG 25 – Development and Flood Risk

Hereford & Worcester County Structure Plan

H16A Housing in Rural Areas

H20 Housing in Rural Areas Outside the Green Belt

CTC 4 Nature Conservation

CTC 5 Archeaology

Leominster District Local Plan (Herefordshire)

A1 Managing The District's Assets And Resources

A2(D) Settlement Hierarchy

A4 National Nature Reserves And Sites Of Special Scientific Interest

A6 Sites Of Local Importance For Nature Conservation

A9 Safeguarding The Rural Landscape

A15 Development And Watercourses

A16 Foul Drainage

A22 Ancient Monuments And Archaeological Sites

A24 Scale And Character Of Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 Sustainable development

S2 Development requirements

DR1 Design

DR7 Flood risk

H7 Housing in the countryside outside settlements

NC3 Sites of national importance

NC4 Sites of local importance

ARCH3 Scheduled Ancient Monuments

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency – objects to the proposal on the grounds that the site lies within the flood plain of the Curl Brook and is at risk of flooding. The proposal would result in the loss of flood flow and storage and increase the risk of flooding elsewhere. This objection is maintained, following the submission of ground level information received on 22 March 2004. It is suggested that the anecdotal evidence is not sufficient to outweigh the objection, in the absence of a Flood Risk Assessment.

4.2 It is advised that since the receipt of the abovementioned objections the applicant has been in correspondence with the Environment Agency. This resulted in the receipt of a letter from the Agency on 15 October 2004. The letter maintains its objection to the proposed development stating that in the absence of a hydraulic survey to model the watercourse, the site and its proposed access remain at risk of flooding during a 1% annual probability flooding event.

- 4.3 The applicant has not to date submitted a Flood Risk Assessment that satisfies the Environment Agency and as such the original comments remain valid.

Internal Council Advice

- 4.4 Head of Highways and Transportation – raises no objection.
- 4.5 Public Rights of Way Manager – raises no objection.
- 4.6 The Chief Conservation Officer raises no objection with regard to the impact of the proposal upon the Scheduled Ancient Monument.

5. Representations

- 5.1 The applicant has submitted a letter which can be summarised as follows :

‘The applicants father dismantled the cottage in about 1980 because it was vacant and subject to vandalism and trespass, with potential liability. It remains on site and garden boundaries are evident within an area of what is now overgrown wasteland. It was occupied as a normal dwelling (not as an agricultural workers dwelling on the farm) until the mid 1970’s.’

- 5.2 In addition, photographic evidence is attached with the letter and confirmation in respect of the potential for compensation through a Purchase Notice under Section 137 of the Town and Country Planning Act 1990 (as amended).
- 5.3 The implications of this are discussed at paragraphs 6.9 and 6.10 of the Officers Appraisal.
- 5.4 Pembridge Parish Council raise no objection.
- 5.5 A further letter has been received from Mr F L Smith of Leenfields, Pembridge. He is the grandfather of R L Normal and comments that during the 80 years he has known the site it has not flooded. Allowing permission will enable two young people who can’t afford to buy at present prices in the area to build and get married.
- 5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site occupies an isolated position within open countryside and as such Policy A2(D) of the Leominster District Local Plan (Herefordshire) would apply. The proposal does not meet any of the relevant criteria set by this policy. No case is submitted seeking to justify a dwelling through the needs of the farming enterprise or as a scheme of affordable housing, meeting the necessary policy requirements. Furthermore, this cannot be regarded as a conversion proposal, due to the condition of the building, and cannot be considered in connection with replacement dwelling criteria.

- 6.2 Replacement dwelling policy requires that the new dwelling should be comparable in size with and within the curtilage of an existing building with established use rights. Evidence has been supplied, showing the remains of a structure. Clearly, these remains do not amount to an existing building with habitable use rights.

The following information is set out so that Members are clear on the subject of abandonment.

- 6.3 A number of tests can be applied in reaching a conclusion on this complicated legal matter and these are:
- a) the physical condition of the building in question;
 - b) the length of time that the residential use has ceased;
 - c) the intention of the owner/occupier and;
 - d) any intervening uses.
- 6.4 In this case, the complete derelict state of the former cottage is an overriding issue since it has no standing walls or roof structure and only the very limited remains of the front face of the cottage visible, which has become completely overgrown. The remains of the rest of the fabric of the cottage otherwise lay strewn about in close proximity to the former cottage site. The reconstruction of the dwelling would require major rebuilding work which, in the absence of any other justification, would, as a matter of principle, be contrary to Policy A2(D) of the Leominster District Local Plan (Herefordshire).
- 6.5 The application confirms that the cottage has not been occupied since approximately 1980 and furthermore there appears to have been no intention by the applicant to resurrect the cottage in the intervening years. The evidence provided indicates that the cottage was intentionally demolished due to concerns over trespass and vandalism and possible liability to the farm. It is considered that any doubts about the long term intentions of the applicant would almost certainly be outweighed by the complete derelict state of the cottage, which would reasonably lead to acceptance of abandonment.
- 6.6 The final test relates to evidence of any intervening uses, for which there is none, but in view of the above it is considered that the residential use has been abandoned. Accordingly, this proposal is for the erection of a new dwelling in open countryside.
- 6.7 In addition to this point of principle, the re-establishment of a new curtilage associated with the dwelling, ancillary buildings and other domestic paraphernalia would significantly change the character and appearance of the site and its immediate surroundings and, furthermore, in the absence of any special circumstances, a new dwelling in such an isolated location is regarded as an unsustainable form of development.
- 6.8 In view of the comments received (both original and revised), from the Environment Agency and in the continuing absence of a Flood Risk Assessment to determine otherwise, it is considered that the proposed new dwelling and its occupants would be put at risk during a flood event and also that a new dwelling would effect existing flood flows and increase the risk of flooding elsewhere. Accordingly the proposal would be contrary to Policy A15 of the Leominster District Local Plan (Herefordshire) and the guiding principle set out in PPG 25 – Development and Flood Risk.

- 6.9 It is advised, and referred to in the applicants submissions, that there are potential legal implications associated with the refusal of planning permission since the applicant could pursue a Purchase Notice seeking compensation from Herefordshire Council. It is stressed that this possible course of action should not influence the Local Planning Authority in terms of making decisions in accordance with Adopted Plan Policy. However, for information purposes only it is advised that the Purchase Notice procedures require an applicant to successfully make a case that the land/buildings in question are not capable of reasonable beneficial use. It would be a legitimate defence for the Local Planning Authority to suggest that the land could be used for agricultural or forestry purposes.
- 6.10 A recent case relating to a site known as 83 Tower Hill Cottage, Dormington has parallels to this particular situation and it is advised that the Local Planning Authority was successful in defending its position with the appeal being dismissed.
- 6.11 It is not considered that the prospect of possible legal proceedings is a material consideration that should be given significant weight such that the overriding presumption against residential development should be outweighed. The Council has thus far been successful in defending its position with regard to the abandonment of cottages in the open countryside and, whilst each of these cases must be judged upon its merits, there is nothing to distinguish Moseley Cottage from the numerous other cases of this kind. It is considered that this would be a defensible position with regard to the Moseley Cottage site.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The former cottage by reason of its physical condition, the length of non-occupation and the lack of evidence relating to an intention to retain the structure in residential use is considered to have lost its residential use rights. The proposal, in the absence of any other exceptional circumstances, would therefore be contrary to Policy H20 of the Hereford & Worcester County Structure Plan and Policy A2(D) of the Leominster District Local Plan (Herefordshire).**
- 2. The reconstruction of a dwelling with its resultant pressures for ancillary development and re-creation of a residential curtilage would have a detrimental impact on the character and appearance of the site and its immediate surroundings that would be contrary to Policies H16A and CTC9 of the Hereford & Worcester County Structure Plan and Policies A1, A9 and A24 of the Leominster District Local Plan (Herefordshire).**
- 3. In the absence of any other exceptional circumstances to justify a new dwelling in this location, it is regarded that its isolated location and complete reliance upon the use of private car would result in an unsustainable form of development, contrary to Policy A1 of the Leominster District Local Plan (Herefordshire) and the emerging Policy S1 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

- 4. The site lies within the Indicative Flood Plain of the Curl Brook, and in the absence of a Flood Risk Assessment, it is considered that it would result in an unacceptable loss of flood flow and storage capacity that would result in an increased risk of flooding elsewhere and in the absence of clear evidence relating to a dry access to the site there would be an increased risk to human life. The proposal would therefore be contrary to Policy A15 of the Leominster District Local Plan (Herefordshire) and the guiding principles established in PPG 25 - Development and Flood Risk.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

18 DCNW2004/2748/F - EXTENSIONS TO UNITS 5 & 6 TO PROVIDE ADDITIONAL PRODUCTION AREAS AND STORAGE AT UNITS 5 & 6 WHITEHILL PARK INDUSTRIAL ESTATE, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8QU

For: J & S Properties per Mr A Last, Brookside Cottage, Knapton, Birley, Herefordshire, HR4 8ER

Date Received:
26th July 2004

Ward:
Golden Cross with
Weobley

Grid Ref:
39398, 52173

Expiry Date:
20th September 2004

Local Member: Councillor J. Goodwin

1. Site Description and Proposal

- 1.1 This application seeks consent for extensions to unit 5 and 6 on the Whitehill Park Industrial Estate, Weobley. The industrial estate comprises 7 units sited in a broadly triangular shape. The industrial estate is located to the north west of the settlement of Weobley, falling outside of the settlement boundary and neighbouring Area of Great Landscape Value, but within the Weobley Conservation Area. The site also falls within a designated industrial estate area for the purposes of development plan policy.
- 1.2 The proposal involves the construction of extensions to both 'ends' of the current pair of units. To the south, unit 5 is to be extended by 4.6 metres with an integrated ridge and vehicular access in the end. To the north, unit 6 is to be extended by 10.3 metres with a ridge height 0.8 metres above that of the main building and vehicular access to the front. 10 parking spaces are intended to be directly associated with the two units in question.

2. Policies

2.1 Leominster District Local Plan

A1 - Managing the District's Assets and Resources
A2(D) - Settlement Hierarchy
A21 - Development within Conservation Areas
A27 - Maintaining the Supply of Employment Land on Industrial Estates
A28 - Development Control Criteria for Employment Sites

2.2 Herefordshire Unitary Development Plan

S1 - Sustainable Development
S2 - Development Requirements
S7 - Natural and Historic Heritage
LA2 - Landscape Character and Areas Least Resilient to Change
DR1 - Design

HBA6 - New Development within Conservation Areas
E6 - Expansion of Existing Businesses
E8 - Design Standards for Employment Sites

3. Planning History

NW02/2295/F: Extension to industrial unit 4A – Approved 24th September 2004

NW99/2648/F: Erection of steel framed industrial building (unit 4A) – Approved, 10th November 2004

4. Consultation Summary

4.1 Statutory Consultations

None

4.2 Internal Council Advice

Environmental Protection Manager – raised no objection but requested an informative note to be attached to any consent.

4.3 Head of Highways and Transportation raised no objections subject to a condition relating to parking provision.

5. Representations

5.1 No response was received from the Parish Council in relation to the consultation

Two letters of objection have been received from Guillaume, M (Director), Myst Limited, Whitehill Park, Weobley. The points raised can be summarised as follows:

- Inaccurate drawings in view of development undertaken already;
- Access conflicts;
- Parking arrangements are not accurate;
- Parking problem will be exacerbated;
- Poor design and integration;
- Expansion of site usage through selling off of extension elements.

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 In principle the extension of these units is not problematic from a policy perspective. The scheme must, however, be satisfactory in relation to the details of the proposal. In this case it is considered that transportation, design, and scale are the key issues for assessment.

- 6.2 In consideration of the highway issues first, the application has been revised since its original submission. The proposal originally included 12 parking spaces. This layout proved impractical however due to the utility layout, and undesirable due to the loss of an existing tree, which represented an attractive feature within the site. The revised scheme now proposes 10 spaces together with the retention of the aforementioned tree. The parking provision is considered acceptable as revised. A further issue is the proposed opening in the side elevation of the extension to unit 5. This matter has been considered by the highways team and no objection has been raised due to the private nature of the road and limited potential impact upon the wider site operations.
- 6.3 Turning to the design and scale, the proposal is not considered inappropriate in design and the scale is not considered excessive in the context of the wider industrial estate. The materials and integration are appropriate and effective in this industrial estate setting. The site is generally well screened and it is considered that the proposal will not harm the landscape of the wider area and will preserve the character and appearance of the Conservation Area.
- 6.4 In relation to the other issues raised, the agent for this proposal has confirmed the intention remains to develop the scheme as outlined in the submitted plans and that development has stopped works pending the outcome of this application. The units will be conditioned to ensure their continued association with their associated units.

RECOMMENDATION

That subject to there being no objection from any party by the end of Conservation Area advertisement period, the officers named in the scheme of delegation be authorised to approve the application 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. A09 [9th September 2004 and 10th November 2004]

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

3. B01 – Samples of external materials

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

4. The extensions hereby permitted, and units identified as being associated to them, shall not be sold or occupied separately from each other.

Reason: To safeguard the amenities of the locality and in the interests of the parking and access provisions of the site.

5. The existing tree identified as being retained on approved plan 99279/15A shall not be removed, felled or damaged in any way without the prior written consent of the local planning authority.

Reason: In order to preserve the character and amenities of the area.

- 6. Details of the planting and seeding comprising the shrub area of landscaping identified in approved plan 99279/15A shall be submitted to and approved by the local planning authority prior to any continuation of the development hereby authorised. Thereafter, the approved scheme shall be implemented in the first planting and seeding seasons following the occupation of the buildings or the completion of development, whichever is the sooner. The area will be maintained for a period of 5 years with any failings replaced with similar unless the local planning authority gives written consent to any variation.

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

- 7. H15 – Turning and parking: change of use - commercial [in accordance with approved plans] [for the parking of 10 cars]

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

Informatives:

- 1. N03 – Adjoining property rights
- 2. N15 – Reasons for the grant of PP.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCNW2004/2883/L - RESTORATION & CONSERVATION OF HALL. NEW GROUND SURFACE WATER COLLECTION DETAIL & NEW LIGHTING & POWER AT PEMBRIDGE MARKET HALL, PEMBRIDGE, HEREFORDSHIRE

**For: The Pembridge Amenity Trust per Mr T Hewett,
Trevor Hewett Architects, 25 Castle Street, Hereford,
HR1 2NW**

Date Received:
3rd August 2004

Ward:
Pembridge &
Lyonsall with Titley

Grid Ref:
39025, 58100

Expiry Date:
28th September 2004

Local Member: Councillor R Phillips

1. Site Description and Proposal

1.1 This application seeks Listed Building consent for various restoration and conservation works, including lighting, to the Market Hall, Pembridge. The Market Hall is a Grade II* Listed Building of early 16th Century origin, located in the heart of historic Pembridge. The Market Hall is of timber framed construction with a hipped stone slate roof. The structure is open sided, supported by eight posts. The last major programme of repair was undertaken on the Market Hall in 1927.

1.2 The proposed works involve:

- Salvaging of the sound roof slates and supplementation with new as required;
- Replacement of ridge and hip details with like for like;
- Replacement of oak pegs;
- Replacement of sawn oak battens with new oak split laths;
- Repair works required to structural frame;
- Repairs to earth floor, perimeter detail, and rain water disposal;
- Repairs to stone bases;
- Finials replacement;
- Replacement of loft space boarding;
- New lighting installation;

It is advised that elements from the original submission have been withdrawn from the scheme, of particular note is the removal of the intention to erect railings.

2. Policies

National:

PPG1
PPG15
PPG16

Leominster District Local Plan

A18 - Listed Buildings and their Settings
A22 - Ancient Monuments and Archaeological Sites

Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA2 - Demolition of Listed Buildings
ARCH1 - Archaeological Assessments and Field Evaluations

3. Planning History

None identified

4. Consultation SummaryStatutory Consultations

4.1 English Heritage – No objections

Internal Council Advice

4.2 County Archaeologist – Raised no objections subject to condition

4.3 Head of Historic Buildings and Conservation – Raised no objection subject to condition

5. Representations

5.1 Pembridge Parish Council – were supportive of the proposal

In response to the submitted scheme, two letters of objection have been received from the following sources:

- Mrs Heaven, Church Cottage, Market Square, Pembridge
- P & D Klein, Lyndhurst, High Street, Pembridge

The points raised can be summarised as follows:

1. The replacement of all stone roof slates is unnecessary;
2. Existing finials should be retained and conserved;
3. Works to timber posts should be absolute minimum required;
4. Loss of gaps in loft space unfortunate due to ecological interest;
5. Works to stone base unnecessary;
6. Building up of earth floor unnecessary;
7. Lighting and power proposal completely unacceptable;
8. Some outlined future work involve land outside the ownership of the applicants

The original submission was, as noted earlier, revised. This principally involved the clarification of the precise works involved, together with the removal of the originally proposed railing. In response to the re consultation, Mrs Heaven of Church Cottage, Market Square, Pembridge withdrew her objection to the proposal with the exception

of the concern over the lighting. P & D Klein of Lyndhurst, High Street, Pembridge made the following additional comments:

1. The lighting and resurfacing remain of considerable concern;
2. Result will be a theme park effect;
3. Works should be minimum required for conservation purposes

In response to the above correspondence the agent for the application made a submission raising the following points:

1. Stone slates, timber posts, loft boarding, stone bases, and earth floor are all to have only the works required for conservation purposes undertaken;
2. Finial replacement necessary due to poor condition of existing and importance of retaining them for documentary purposes;
3. Market rails are not to be reinstated;
4. Perimeter detail is to reflect existing detail;
5. Design will allow for ecological use of building to continue;
6. The lighting is considered an important part of the scheme but, if the application is otherwise acceptable, this element could be withdrawn and dealt with separately at a later time;
7. The desire is to conserve the fabric of this structure to ensure its future

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 In principle development plan policy specifies that when considering applications for works to Listed Structures the character will be preserved by only permitting development that would not adversely affect the architectural or historical character, appearance, or setting of a Listed Building. New works should respect the protected building in terms of scale, height, massing, alignment and materials.

6.2 The proposal as originally submitted was problematic due to the lack of a precise scheme of works. Extensive negotiation has taken place since the original submission and it is now considered that the proposal is in a condition in which it can be supported subject to conditions.

6.3 It is considered that the proposed works are respectful of the existing structure. The schedule involves works reflective of appropriate conservation practice with the only exception to this being the lighting. In respect to the lighting the agent has confirmed a willingness to withdraw this element of the scheme. That said, it is not considered that the lighting proposal is unacceptable or undesirable. In addition, the current lighting system is ad hoc and does not reflect the significance of the structure. It is considered that the proposal does not constitute a theme park scheme, but rather a sensitive evolutionary project securing the future of this important building, which, it should be remembered, is a functional building rather than a museum piece. The agent confirms that the works will allow for the continuation of the current ecological role of the structure with the ecologist raising no comment to the scheme.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- i) The application is notified to the Secretary of State for the Office of the Deputy Prime Minister
- ii) Subject to the Secretary of State confirming that he does not intend to call it in, Listed Building Consent be granted subject to the following conditions and any additional conditions considered necessary by officer:

- 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. D01 – Site investigation – Archaeology

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

- 3. C02 – Approval of details.

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

- 4. C12 – Repairs to match existing

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

- 5. C18 - Details of roofing

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

Informatives:

- 1. NC1 – Alterations to submitted and approved plans.
- 2. ND3 – Contact Address
- 3. N03 – Adjoining Property Rights
- 4. N15 – Reasons for the grant of LBC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

20 DCNW2004/3130/F - CHANGE OF USE TO SITE FOR FIVE STATIC HOLIDAY CARAVANS AT SWAN INN, LETTON, HEREFORDSHIRE, HR3 6DH

For: Mr & Mrs T Lewin per Mr J E Smith, Parkwest, Longworth, Lugwardine, Hereford, HR1 4DF

Date Received:
31st August 2004

Ward:
Castle

Grid Ref:
33819, 46265

Expiry Date:
26th October 2004

Local Member: Councillor John Hope

1. Site Description and Proposal

- 1.1 The application site comprises The Swan Inn, which is located on the south west side of the A438 within the small hamlet of Letton. The public house is a substantial building located within an otherwise residential frontage. To the rear of the public house and along the northern boundary is an existing hardstanding area, with the remainder of the site being a roughly rectangular area of unused agricultural land.
- 1.2 The hardstanding area along the northern boundary of the site is used for the siting of 5 touring caravans and benefits from a Caravan Club License which has been in operation for some 15 years. There is another Caravan Club certified site immediately to the north of the application site.
- 1.3 The site lies within open countryside and is also within the Indicative Flood Plain. The whole of the surrounding area is designated as an Area of Great Landscape Value. Part of the site is bounded by the gardens of The Forge and Northlea.
- 1.4 Planning permission is sought for the siting of 5 static caravans to provide holiday accommodation and compliment the existing touring caravan site. The static caravans would be sited adjacent to the southern boundary of the application site close to the garden boundaries with Northlea and The Forge and the agricultural land associated with The Old Forge. A landscaping scheme is proposed as part of the new static caravan site.

2. Policies

PPS7 – Sustainable Development in Rural Areas
PPG21 – Tourism

Hereford and Worcester County Structure Plan

Policy E20 – Tourism Development
Policy CTC2 – Areas of Great Landscape Value
Policy CTC9 – Development Requirements
Policy TSM1, TSM2 – Tourism Development
Policy TSM6, TSM7 – Tourist Accommodation

Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the Districts Assets
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A12 – New Development and Landscaping Schemes
Policy A15 – Development and Watercourses
Policy A16 – Foul Drainage
Policy A18 – Listed Buildings and their Settings
Policy A24 – Scale and Character of Development
Policy A35 – Rural Tourism and Recreational Activities
Policy A39 – Holiday Chalet, Caravan and Camping Sites
Policy A54 – Protection of Residential Amenity
Policy A70 – Accommodating Traffic from Development

Herefordshire Unitary Deposit Plan (Revised Deposit Draft)

Policy S1 – Sustainable Development
Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
Policy S8 – Recreation, Sport and Tourism
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy DR7 – Flood Risk
Policy DR13 – Noise
Policy E6 – Expansion of Existing Businesses
Policy E11 – Employment in Smaller Settlements and Open Countryside
Policy LA2 – Landscape Character and Areas Least Resilient to Change
Policy LA6 – Landscaping Schemes
Policy HBA4 – Setting of Listed Buildings
Policy RST14 – Static Caravans, Chalets, Camping and Touring Caravan Sites

3. Planning History

3.1 None relevant.

4. Consultation SummaryStatutory Consultations

4.1 Environment Agency raises no objection in relation to the Flood Risk Assessment received on 15 November 2004 and subject to conditions relating to foul and surface water drainage, a limitation on the number of caravans and the display of flood warning notices at the entrance to the site and on booking slips for visitors.

Internal Consultee Advice

4.2 Head of Highways and Transportation raises no objection subject to conditions relating to the provision of adequate parking and turning areas.

4.3 Head of Environmental Health and Trading Standards raises no objection but advises that applicant should seek a license from the local authority.

4.4 Chief Conservation Officer comments as follows:

Landscape Officer comments that the static caravans would not have a significant impact on the landscape and would not be visible from the A438. Subject to an appropriate scheme of landscaping no objection is raised.

Historic Buildings Officer raises concerns in respect of the impact of the proposed static caravans on the setting of adjacent listed buildings.

5. Representations

5.1 A total of 9 letters have been received from the following persons:

Mr & Mrs Cadman, The Forge, Letton (3 letters)
Mr & Mrs Maddox, The Old Forge, Letton (3 letters)
T & T Collins, Old Post Office, Letton (1 letter)
Mr Valentine, Swan Cottage, Letton (2 letters)

5.2 The concerns raised can be summarised as follows:

- dispute ownership of land adjacent to The Forge and The Old Forge
- occupation should be limited to summer months only
- boundary treatments need to be improved
- additional surfacing and structures would worsen the current flooding situation
- too many caravan sites in the locality
- increase in traffic using dangerous access onto A438
- impact on setting of listed buildings
- existing sites are all under-occupied
- lack of local facilities to support holiday makers
- potential to become low-cost dwellings
- eyesore in beautiful rural surroundings

5.3 Staunton-on-Wye Parish Council comment as follows:

- site is subject to risk of flooding and proposed development could increase risk of more flooding
- concern about capacity of existing septic tank
- increased traffic on and off busy A438
- not in keeping with an area of listed buildings
- significant screening would be needed
- time limits would need to be imposed (March - November)

5.4 Letton Parish Council raise no objection.

5.5 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 extending the existing touring caravan site to provide an additional 5 static caravans;
 - (b) the impact of the proposed additional static caravans on the Indicative Flood Plan;
 - (c) landscape impact and effect upon the setting of adjacent listed buildings;
 - (d) residential amenity and
 - (e) access and highway safety.

Principle of Development

- 6.2 The site lies in open countryside where Policy A2(D) establishes a presumption against new development unless it accords with one of the exceptional circumstances identified. The small scale expansion of an existing holiday chalet, caravan or camping site is permissible subject to the requirements of Policy A39 of the Local Plan, which requires proposals to be of an appropriate scale and in keeping and compatible with their surroundings, include landscaping schemes and ensures that chalets and caravans remain in holiday use.
- 6.3 Having regard to Policy A39, it is considered that the principle of providing additional static caravans is one that can be supported subject to the merits of the submitted proposal, the details of which are discussed in greater depth in the remainder of this appraisal.

Flood Risk

- 6.4 The determination of this application has been much delayed by the requirement to overcome the initial concerns raised by the Environment Agency. The siting and layout of the proposed static caravan site has been revised in consultation with the Environment Agency who have subsequently withdrawn their objection. The Flood Risk Assessment demonstrates that the revised proposal lies beyond the 1960 historic flood level and that the site benefits from a dry vehicular and pedestrian access. It is confirmed that warning signs will be displayed and that the surface water arising from the concrete pads and static caravans will be dealt with by way of appropriately designed soakaways.
- 6.5 Whilst acknowledging the local concerns raised it is considered that development at the scale proposed would not increase the risk of flooding in the locality and as such Policy A15 of the Local Plan is satisfied. It is stressed that conditions will ensure the provision and implementation of the requirements requested by the Environment Agency.

Landscape Impact/Setting of Listed Buildings

- 6.6 The application site benefits from a generally inconspicuous location to the rear and relatively well related to the existing public house. The site would not be readily visible from the A438, which is the only public vantage point from which the site can be viewed.

- 6.7 The boundaries of the site provide reasonable screening from the surrounding countryside and it is proposed that additional landscaping will improve this situation by strengthening existing boundary planting and providing more planting adjacent to the proposed static caravans.
- 6.8 It is not considered that the presence of these additional structures will cause significant harm to the character and appearance of the Area of Great Landscape Value, although conditions relating to landscaping and external appearance of the units are suggested.
- 6.9 The relationship of the proposed static caravans to the existing listed buildings adjacent to the public house is not a direct one given the distance between the two and the intervening vegetation. The principle elevations of the listed buildings face onto the A438 and since these buildings will not generally be seen in context with the static caravans it is not considered that their setting will not be unduly affected.

Residential Amenity

- 6.10 The introduction of additional holiday makers is considered to be consistent with the established use of the site as a public house and small touring caravan site, which will not impinge unduly upon the residential amenities of neighbouring occupiers. The occupation of the static caravans would be limited and the existing and proposed landscaping provide a reasonable buffer between the site and the neighbouring property.
- 6.11 No objections are raised by the Head of Environmental Health and Trading Standards and as such it is considered that this proposal accords with Policy A54 of the Local Plan.

Access and Highway Safety

- 6.12 The introduction of 5 static caravans would attract a limited amount of additional car borne traffic, which when set against the activity associated with a public house and existing 5 pitch touring caravan site would not result in any measurable increase in the current use of the access onto the A438. The existing access benefits from good visibility and subject to conditions the Highways and Transportation Manager raises no objection.

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) 29 October 2004 and received on 4 November 2004**

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

3 - E31 (Use as holiday accommodation) static caravan

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, in this rural location.

4 - No static caravans shall be occupied between 31 September - 31 March in the succeeding year.

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

5 - No more than 5 static caravans and 5 touring caravans shall be stationed on the site at any one time.

Reason: To clarify the terms of the permission, minimise visual intrusion and in accordance with the requirements of the Environment Agency in respect of flood risk.

6 - E36 (Static Caravan colours)

Reason: To minimise visual intrusion.

7 - F18 (Scheme of foul drainage disposal)

Reason: To ensure that satisfactory drainage arrangements are provided and to prevent increased risk of flooding.

8 - G01 (Details of boundary treatments)

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

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 - G37 (Access for disabled people) static caravans

Reason: In order to ensure that the development is fully accessible.

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

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

- 14 - Prior to the first occupation of the static holiday caravans hereby approved, details relating to the display of flood warning signs within the site shall be submitted to and approved by the local planning authority. The approved signage shall thereafter be retained such that it is visible at all time during the occupation of the static caravans.

Reason: To minimise the risk of a threat to human life during a flood event.

- 15 - The static caravan site and the public house known as the Swann Inn, Letton shall not be sold seperately from each other.

Reason: To minimise the risk of the static caravans becoming self contained residential units and in the interests of the amenities of neighbouring residents.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - In the interests of safety for occupiers of the site, flood warning and evacuation procedure notices should be clearly displayed on the site and within each static caravan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

21 DCNW2004/3221/F - SITE FOR MOBILE HOME FOR AGRICULTURAL MANAGEMENT OF LIVESTOCK (TEMPORARY) AT LAND AT WOONTON, HEREFORDSHIRE

**For: Mr J Mills per McCartneys The Ox Pasture
Overton Road Ludlow Shropshire SY8 4AA**

Date Received:
28th September 2004

Ward:
Castle

Grid Ref:
35862, 51886

Expiry Date:
23rd November 2004

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises a 0.2 hectare plot of land to the south of the two farm buildings found in this location. Mr Mills currently resides at Lower Wootton Farm where 225 hectares are farmed. Six years ago Mr Mills purchased a further 208 hectares and it is in relation to this land and the associated farm buildings that permission is now sought for the mobile home. The land associated with this application has previously been laid to arable crops. It is now intended to develop the livestock enterprise on this site.
- 1.2 The proposal is for a mobile home to be located to the rear of the agricultural buildings currently found on site. The application as originally submitted called for a location adjacent to the existing farm buildings but this was amended due to concerns over the impact on the landscape and visual amenities of the locality.

2. Policies

2.1 National Policies

PPG1 - General Policy and Principles
PPS7 – Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

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

2.3 Leominster District Local Plan

A1 - Managing the District's Assets and Resources
A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A12 - New Development and Landscape Schemes

A24 - Scale and Character of Development
 A41 - Protection of Agricultural Land
 A43 - Agricultural Dwellings
 A70 - Accommodating Traffic from Development

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

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

3. **Planning History**

NW01/3362/F: Agricultural building – Approved, 13th March 2001

NW01/0067/F: Extension to agricultural building – Refused, 3rd may 2001

NW98/0357/N: Agricultural building – Approved, 25th September 2004

4. **Consultation Summary**

Statutory Consultations

4.1 Environment Agency – Raised no objection

4.2 Welsh Water raised no objection

Internal Council Advice

4.3 Head of Highways and Transportation - Raised no objection to the proposed development

4.2 Chief Conservation Officer - No objections to the revised siting, subject to a condition requiring landscaping

5. **Representations**

5.1 Almeley Parish Council raised no objection to the original siting. No response has been forthcoming to the revised location.

5.2 Neighbours - Three letters were received in relation to the original siting of this dwelling:

- Hibbert, J. Hall Mote, Woonton
- Shayler, D & E. Crispin, Woonton
- Bloss, P. Sunnybank, Woonton

The comments raised can be summarised as follows:-

1. Harm to landscape caused by siting;
2. Current lack of use of farm buildings on site;
3. Availability of alternative properties;
4. Lack of demonstrated need for the dwelling at this location;

5. Long term plan for a permanent dwelling;
6. Suggestion of two dwellings being needed.

A further letter, again from Crispin, Woonton was received in response to the revised siting raising the following points:

1. Siting is not as desired by Mr Mills but rather that of the Landscaping Officer;
2. Loss of view;
3. Loss of privacy.

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

Principle of Development

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

- Existing functional need
- Requirement for full time worker
- Establishment and profitability of the unit
- Availability of alternative accommodation
- Satisfaction in relation to other planning requirements

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

6.2 In relation to points 1, 2 and 4, supporting information has been submitted. The need for this mobile home is justified by the new operations to be undertaken in the farm buildings adjacent to the application site. In this instance a new farm enterprise is intended for this site and the operation in question, namely livestock, requires someone resident on site to ensure the welfare of said livestock. Clearly an arable operation requires no on site resident but such livestock welfare cannot be guaranteed by off site provision in this instance. The need for a resident on site is accepted in this case with no dwellings within the financial reach of a farm worker identified as available in a location that could serve this new operation. The confusion over the two dwellings suggestion is confirmed as a grammatical error; only a single dwelling is requested in this location. Although the financial stability of the wider farm operation can be demonstrated, the financial viability of this new operation cannot. PPS7 specifies that in such circumstances temporary dwellings will be entertained. Clear evidence of a sound financial footing has been provided and the investment in the farm buildings on site demonstrates the intention to develop this enterprise.

6.3 Point 5 will be considered in the section of this report subsequent to this.

Other Issues

6.4 The other issues considered to be associated with this application revolve around the siting and access. The design and scale are clearly not matters for consideration due to the application type.

- 6.5 Considering first the access arrangements, these are considered acceptable with the dwelling accessed via the existing field access point serving the existing farm buildings.
- 6.6 Turning to the matter of siting, the original proposal was influenced by the applicants desire to accommodate his neighbours wishes, together with the restrictions of the site which is limited by covenant and under grounding piping. Unfortunately the proposed siting was prominent and considered harmful to the landscape of the wider locality. The revised siting addresses this problem and it is considered that this siting is such that the impact of the proposed layout upon the landscape will be little greater than that of the existing farm buildings. The result of this re-siting is that the dwelling is now in closer proximity to a dwelling, 'Crispin'. The proposed siting will impact upon the view from the grounds of 'Crispin' and a whilst degree of privacy will be lost this will not be to an unreasonable degree. It is not considered that the residential amenities of this property are harmed to an extent that could justify refusal.
- 6.7 On balance it is therefore considered that this proposal is acceptable and, subject to appropriate conditioning, should be supported.

RECOMMENDATION

That planning permission be permitted subject to the following conditions:

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

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 - **E23 (Temporary permission and reinstatement of land (mobile home)(5th January 2008)**

Reason: The local planning authority is not prepared to permit a residential mobile home in this location other than on a temporary basis having regard to the special circumstances of the case.

- 4 - **E28 (Agricultural occupancy)**

Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

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

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

Informatives:

- 1 - NO3 (Adjoining Property Rights)
- 2 - N15 (Reasons(s) of Grant of PP)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

22 DCNW2004/3247/F - SUBSTITUTION OF HOUSE TYPES ON APPROVED APPLICATION NW2003/2583/F AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9QS

**For: Mr & Mrs AM & J Pugh per Jennings Homes Ltd
New Park House Brassey Road Shrewsbury
Shropshire SY2 7FA**

Date Received:
14th September 2004

Ward:
Bircher

Grid Ref:
44786, 61465

Expiry Date:
9th November 2004

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 This application seeks consent for 4 detached dwellings. The application represents a revision to the previously approved scheme for 4 dwelling, NW2003/2583/F.
- 1.2 The application site lies on a site to the rear of property known as Stoneleigh on the north side of the B4360 road in Kingsland. The main body of the site measures approximately 88m x 32m, is a former orchard and lying within both the Kingsland Conservation Area and the Settlement Boundary. Access to the site is via a modified existing access on the east side of Stoneleigh. To the east and west boundaries of the site lie relatively modern residential cul-de-sac.
- 1.3 The original development was proposed in a linear form with plots 1 – 3 inclusive facing east whilst plot 4 faces south, namely the end elevation of plot 3. This revised scheme remains linear but revises the siting of plot four resulting in all four dwellings facing east. The dwellings now proposed are more substantial in scale, complex in design, and have detached garaging. The application has been revised with some elements design features and projections removed.

2. Policies

Leominster District Local Plan

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

Herefordshire Unitary Development Plan (deposit draft)

Policy H4 – Main Villages
Policy H13 – Sustainable Residential Design
Policy H15 – Density

Policy HBA4 – Setting of Listed Buildings
Policy HBA6 – New Development within Conservation Areas
Policy HBA7 – Demolition of Unlisted Buildings with Conservation Areas

3. Planning History

NW03/2588/F – Erection of four new dwellings
Approved 28th January 2004

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water – no response.

Internal Council Advice

4.2 The Chief Conservation Officer made no comment to the proposal

4.3 Head of Highways and Transportation raised no objections.

5. Representations

5.1 Parish Council raised no objection to the original submission but objected to the revised scheme on the ground that the substitution is not like for like and putting on detached garaging increases the footprint.

5.3 Objections have been received from:

- Davies, C. 9 Orchard Close, Kingsland
- Harry, P. 5 St Michael's Avenue, Kingsland (x2)
- Pugh, E. 6 St Michael's Avenue, Kingsland (x2)
- Randall, R. 4 St Michael's Avenue, Kingsland (x2)
- Evans, M. 3 St Michael's Avenue, Kingsland (x2)
- Moddocks, A. 8 Orchard Close, Kingsland (x2)

The objections can be summarised as follows:

- a) Substantial increase in size of replacement dwellings;
- b) Inappropriate design and scale;
- c) Overbearing impact and light loss;
- d) Loss of privacy;
- e) Over development of the site;
- f) Lack of affordability of proposed dwellings;
- g) Inadequate distances between dwellings;
- h) Impact of garages.

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 principle of this development, inclusive density, has been established and accepted by virtue of the previously approved scheme. Similarly, the access arrangements remain the same and as such are accepted. The principal issues for consideration are therefore design, scale, and impact upon residential and visual amenities.
- 6.2 Design is a subjective matter. The original application involved three properties of a plain and simple design with a render and slate finish. This was an unobtrusive design, which though unadventurous was sensitive to the location. This application is for a far bolder design that is both imposing and visually complex. Both brick and render are proposed though the use of slate is retained. But this is not to suggest that the proposal is unacceptable. The two flanking developments are hugely contrasting in design and appearance and in this context it is not considered that the proposed design concept is inappropriate.
- 6.3 Of greater concern is the scale of the revised dwellings and impact upon residential amenities. The revised dwellings have been amended to reduce their imposing nature but they remain visually large dwellings. Combined with this is the impact of the detached garaging which creates a development of substantial massing. The site is, however, of adequate size to accommodate these properties and the physical relationship between the dwellings is little different to that found on Orchard Close to the east. The street scene is considered a little misleading due to the set back nature of the garaging. The dormer style design concept aids the visual reduction in apparent scale. Inspection of the layout identifies the spacing of plots 1 – 3 to be little different to that of the approved scheme and while the approved dwellings included attached garaging the footprint of the new dwellings is not significantly larger than those already approved. Added to this is the fact that the ridge heights are in fact lower than those of the approved dwellings. The single storey side additions, together with the width to height relationship certainly gives these dwellings a substantial feel but when the details are examined it seems unlikely that the impact will equal the apparent threat. In relation to privacy the rear elevations remain as per the approved scheme and as such no additional loss of privacy should occur. The repositioning of the dwelling on plot 4 will increase the impact of this dwelling on its respective neighbours but it is not considered that the impact will be such that a refusal on this matter could be substantiated. The garaging will not cause an unacceptable impact upon the neighbours to the rear. Of further note is the fact that some of the bulk of the new dwellings is caused by single storey additions. It is advised that the previously approved scheme did not remove Permitted Development Rights and as such although detached garaging would require consent by virtue of volume, and although the volume limits in Conservation Areas are more restrictive, modest extensions and porch additions could be introduced to the approved scheme without the need for planning approval. The removal of Permitted Development Rights is proposed in this instance in recognition of the extent of development now proposed.
- 6.4 In view of the above it is not considered that the proposed development poses any greater threat to the Conservation Area or nearby Listed Building to that of the approved scheme.
- 6.5 Conditioning in line with the original development is proposed, together with the removal of Permitted Development Rights.

6.6 On balance therefore it is considered that the proposal, while more visually imposing than the original, is ultimately acceptable subject to appropriate conditioning.

RECOMMENDATION

That, subject to the comments of the water authority, planning permission be granted subject to the following conditions:

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

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

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

5 - C05 (Details of external joinery finishes)

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

6 - D01 (Site investigation - archaeology)

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

7 - G04 (Landscaping scheme (general))

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

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

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

9 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interest of highway safety.

13 - Before the development hereby permitted is commence details of the replacement stone wall and piers shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these plans prior to occupation of any of the dwellings.

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

14 - E16(Removal of permitted development rights)

Reason: To safeguard the character and amenities of the locality

15 - The development approved by virtue of this consent shall, if commenced, be implemented in place of and not in addition to application DCNW2003/2583/F

Reason: In the interests of controlling the development of the application site

Notes to the Applicant:

- 1 - ND03 - Contact Address**
- 2 - HN01 - Mud on highway**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - N15 (Reasons for the grant of PP)**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

23 DCNW2004/3350/O - DEMOLITION OF EXISTING DWELLING & OUTBUILDINGS, CONSTRUCTION OF 2 X 5-BEDROOMED DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

**For: SD & JM Wicks per Mr Funge, Stephen Funge
Architectural Design, Dartmoor View, Queen Street,
Winkleigh, Devon, EX19 8JB**

Date Received:
1st October 2004

Ward:
Mortimer

Grid Ref:
40338, 74527

Expiry Date:
26th November 2004

Local Member: Councillor Mrs Olwyn Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a 0.19 hectare plot, located on the western side of the A4113 (High Street). An existing bungalow (Burnside) and a detached garage occupy an elevated position above the road level and are set back some 20 metres from the highway, behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood Rise and The Old Police House respectively, which have fenced and planted boundaries.
- 1.2 The rear garden of the bungalow benefits from mature landscaping, including coniferous trees and hedgerows along the boundary with Meadowbank to the west. Notable trees in the densely planted rear garden include a copper beech, blue cedar, rowan and a silver birch.
- 1.3 The site lies within the settlement boundary of Leintwardine, but outside the Conservation Area and the Scheduled Ancient Monument. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two-storey scale. The whole of Leintwardine is designated as a Landscape Protection Area.
- 1.4 Outline planning permission is sought for the demolition of the existing bungalow and the erection of 2 no. 5-bedroomed detached dwellings. The application seeks formal consideration of the siting and means of access, but reserves design, external appearance and landscaping for future consideration.
- 1.5 This is a revised submission following the refusal of permission for 3 dwellings by the Members of Northern Area Planning Committee. It is advised that this proposal is now the subject of an appeal.

2. Policies

2.1 Government Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

CTC9 - Development Requirements

CTC11 - Trees and woodlands

CTC18 - Development in Urban Areas

2.3 Leominster District Local Plan (Herefordshire)

A1 - Managing the District's Assets and Resources

A2(C) - Settlement Hierarchy

A9 - Safeguarding the Rural Landscape

A10 - Trees and Woodlands

A18 - Listed Buildings and Their Settings

A23 - Creating Identity and an Attractive Built Environment

A24 - Scale and Character of Development

A25 - Protection of Open Areas or Green Spaces

A54 - Protection of Residential Amenity

A55 - Design and Layout of Housing Development

A70 - Accommodating Traffic from Development

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development

S2 - Development Requirements

S3 - Housing

S7 - Natural and Historic Heritage

DR1 - Design

DR2 - Land Use and Activity

DR3 - Movement

DR4 - Environment

H4 - Main Villages: Settlement Boundaries

H13 - Sustainable Residential Development

H14 - Re-Using Previously Developed Land and Buildings

H15 - Density

H16 - Parking

LA5 - Protection of Trees, Woodland and Hedgerows

HBA4 - Setting of Listed Buildings

2.5 Leintwardine Village Design Statement

3. Planning History

NW2004/2056/O - Demolition of existing dwelling and outbuildings and construction of 3 no. 4-bedroom dwellings - Refused 8 September 2004. Appeal lodged.

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

- 4.2 Head of Highways and Transportation raises no objection subject to access, parking and turning areas being provided in accordance with approved plan.

- 4.3 Chief Conservation Officer comments as follows:

Landscape Officer - no objection to the principle of redeveloping the site or to the proposed removal of trees, as these are small ornamental specimens, which are insignificant in terms of amenity value.

Senior Historic Buildings Officer raises no objection subject to appropriate design and sympathetic materials.

5. Representations

- 5.1 A total of 12 letters have been received in response to the consultation exercise. A petition including 23 signatures objecting to the revised application has also been received.

- 5.2 The concerns raised can be summarised as follows:

- 2 dwellings are greater in mass than previous application
- floor area and height 10% greater than rejected application
- greater potential for overlooking
- loss of daylight and sunlight
- taller dwellings overly dominant
- pedestrian safety remains an issue
- existing dwelling should be retained
- detrimental to open, leafy aspect
- proposed development too dense
- rural villages should be spared development of this scale and density
- out of character with existing houses and bungalows on this side of High Street
- no need for 5-bedroomed houses
- two smaller houses/bungalows more appropriate
- pressure to fell established trees
- contrary to adopted policies and Leintwardine Village Design Statement
- existing access dangerous for use by additional traffic

- 5.3 The signed petition objects on the following points:

- development fails to comply with the Herefordshire UDP, Leominster District Local Plan and Leintwardine Village Design Statement
- developer shows unsympathetic attitude following Committees, Parish Councils and local residents wishes
- proposed houses will dominate, overlook and destroy privacy, are totally out of keeping with the village

- increased traffic volume will increase likelihood of an accident

5.4 Leintwardine Parish Council state:

Objection on following grounds:

- development too large and dominant
- square footage is greater than refused application
- proposed too close to boundary, blocking light and aspect to neighbouring houses
- out of keeping with village - roof design inappropriate
- important to maintain sizeable garden.

5.5 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 This is an outline application, which seeks approval for the siting of two detached dwellings and the access thereto. At this stage, the design, external appearance and landscaping of the site are not matters requiring detailed consideration. The application has generated a significant number of objections locally.

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

- a) the principle of residential infill on the Burnside plot;
- b) the effect of the proposal on the character and appearance of the surrounding area;
- c) the wider landscape impact of the proposal, having regard to the Landscape Protection Area designation and the trees on site;
- d) the effect of the proposal upon the amenities of neighbouring occupiers; and
- e) highway safety and access issues.

Principle of Residential Infill

6.3 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Leintwardine.

6.4 Government guidance set out in PPG3 – Housing establishes minimum thresholds for the density of development on residential infill sites and seeks to promote more effective use of land by encouraging densities between 30 and 50 dwellings per hectare. Emerging Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) reflects this guidance.

6.5 In essence, this is a site, which, according to Government guidance and adopted policies, is potentially suitable for higher density, residential development than currently exists.

Character and Appearance of the Area

6.6 Notwithstanding the advice set out in Government guidance, development proposals should not cause harm to the character and appearance of the site and its surroundings. In this case and in response to a number of comments made, it should

be stressed that the site does not lie within the Leintwardine Conservation Area, neither is it within the area defined as the Scheduled Ancient Monument.

- 6.7 An assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles, ranging from the historic listed property (Plough Cottage - the roadside setting of which would not be detrimentally affected by this proposal), detached single-storey and two-storey development to the north, south and west and two-storey terraced housing (in blocks of four) to the east.
- 6.8 The application site is clearly low in density (approximately 10 dwellings per hectare), whilst the terraced blocks opposite achieve a density of just over 33 dwellings per hectare.
- 6.9 Within this mixed residential environment, the application proposal would involve a density of some 10 dwellings per hectare. Clearly, this falls well below the threshold set by Government guidance, but represents what is regarded as a reasonable compromise within the context of the village.
- 6.10 In terms of siting the dwellings would generally respect the linear pattern of existing residential development being set back into the site and reflecting the building line defined by the properties on either side. Furthermore, the principle of two-storey development is acceptable having regard to other properties in the locality. It is acknowledged that the deeper plan form of the proposed 5 bedroom dwellings is such that the combined footprint and height is greater than the refused scheme but it should be stressed that the 'View from High Street' is an indicative elevation and should not be construed as a clear indication of the way in which a detailed design would necessarily be submitted. The concerns regarding the roof design are particularly relevant since the indicative form would not be in keeping with the prevailing character of properties in the locality. Furthermore, the frontage of the proposed development would be some 27.6 metres compared to the 29.6 metres of the refused scheme. As such there would be a little more space between the proposed dwellings and their immediate neighbours.
- 6.11 There will inevitably be a loss of space to the sides of the existing bungalow but, having regard to the prevailing character of this part of High Street, it is not considered that this will cause demonstrable harm and, as such, would accord with Policies A1, A23 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.12 Since the application is in outline form, the design and external appearance of the dwellings is reserved for future consideration, but will inevitably require careful attention, in order to preserve the character and appearance of the surrounding area.

Impact on Landscape Protection Area and Trees

- 6.13 Policy A9 of the Leominster District Local Plan (Herefordshire) promotes the conservation and enhancement of the rural landscape, referring specifically to the importance of the Landscape Protection Area designation. This covers the whole of the village and the wider countryside to the Shropshire boundary to the north and Wigmore to the south.
- 6.14 Clearly, its key significance is in protecting the area from inappropriate isolated development, with the weight attached being reduced in respect of existing settlements such as Leintwardine

- 6.15 It has been suggested that the scale and density of this development accords with the residential character of the area and, as such, the landscape designation carries lesser weight. No objection to the principle of residential development has been raised by the Chief Conservation Officer.
- 6.16 In local landscape terms, the trees on site are considered to be of high amenity value and should be retained. Within the context of the coniferous and ornamental shrub planting, there are 4 trees worthy of retention (a copper beech, blue cedar, rowan and silver birch) at the rear of the site, although it is recommended that the blue cedar should be felled to allow the copper beech to grow unimpeded.
- 6.17 The revised siting of the proposed dwelling would enable the retention of the trees and, subject to conditions requiring fenced protection during construction, these trees would not be unduly affected and can therefore be preserved.
- 6.18 In the light of the above, the requirements of Policies A9 and A10 of the Leominster District Local Plan (Herefordshire) are satisfied.

Neighbouring Amenities

- 6.19 In terms of privacy, a condition would be attached to ensure that no windows were installed in the south elevation of Plot 1 and the north elevation of Plot 3, which would, in the light of the relative siting of the proposed dwellings in relation to the neighbouring property, ensure that no harmful overlooking would occur.
- 6.20 Plot 2 would be some 4 metres away from the blank side elevation of the bungalow and, accordingly, would not have such an adverse impact on daylight and sunlight such that the refusal of planning permission would be justified. Approximately 7 metres is achieved between Plot 1 and The Old Police House and some 27 Metres to the property to the west, which would not result in an unacceptable, overbearing effect on these properties.
- 6.21 In view of the above, the scale of the development would not cause serious harm to the amenities of neighbouring occupiers and, subject to control of the hours during which demolition and construction is undertaken, Policy A54 of the Leominster District Local Plan (Herefordshire) is satisfied.

Highway Safety and Access

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

Conclusion

- 6.25 This application has generated a significant number of objections but, in planning policy terms, it is considered that the principle of residential development is acceptable and, furthermore, the density and siting of the proposed dwellings would not be out of keeping with the prevailing character of residential development in the locality, whilst enabling the retention of the existing trees on the site. With minor modifications, the access can be improved to meet the minimum visibility requirements and, as such, it is not considered that there are sufficient grounds to oppose this proposal.
- 6.26 It is also acknowledged that the local consensus is that the applicant has not responded sensitively to the objections previously raised but it is suggested that this in itself is not grounds for objecting to the proposal. In terms of offering consistent advice it is therefore recommended that this revised application be approved.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 - A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 - A04 (Approval of reserved matters) (delete siting and means of access)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 6 - E16 (Removal of permitted development rights)**
Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.
- 7 - E18 (No new windows in south elevation of Plot 1 and north elevation of Plot 2)**
Reason: In order to protect the residential amenity of adjacent properties.

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - G06 (Scope of landscaping scheme)

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

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

12 - H13 (Access, turning area and parking)

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

13 - H27 (Parking for site operatives)

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway
- 6 - Wildlife and Countryside Act 1981

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

24 DCNW2004/3416/O - SITE FOR ONE BUNGALOW AT LAND BETWEEN OAKLAND AND GIPSY HALL, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6PR

For: Mr J W Mokler per Arkwright Owens Berrington House 2 St Nicholas Street Hereford HR4 0BQ

Date Received:
5th October 2004

Ward:
Castle

Grid Ref:
31721, 50171

Expiry Date:
30th November 2004

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises an irregularly shaped 0.6 hectare plot located on the north side of Almeley Road approximately 1.5 km to the east of Eardisley.
- 1.2 The site lies in open countryside and is located between two existing properties known as Oakland (the applicant's property) and Gipsy Hill.
- 1.3 Outline planning permission is sought for a bungalow to provide accommodation for a worker to support/manage the 17 hectares of agricultural land associated with the enterprise. Approximately 9 hectares of this land comprises woodland and ponds. This area has been restored and is currently maintained by the applicant and incorporates two ponds.
- 1.4 The application is supported by a statement from the applicant referring to the history of his involvement in agriculture locally and to his current activities of producing organic fruit. It is also advised that the woodland/pond amenity area has been visited by Age Concern, the WI, schools and neighbours and the development of this aspect of the enterprise is a stated aim.
- 1.5 External appearance, siting, means of access, design and landscaping would be reserved matters and as such this application seeks a view on the principle of establishing at this site only.

2. Policies

Central Government

PPS 7 – Sustainable Development in Rural Areas

Hereford & Worcester County Structure Plan

Policy H16 A	Housing in Rural Areas
Policy H20	Housing in Rural Areas Outside the Green Belt
Policy CTC 9	Development Requirements
Policy CTC 11	Trees and Woodlands
Policy A4	Agricultural Dwellings

AREA SUB-COMMITTEE

Leominster District Local Plan (Herefordshire)

Policy A1	Managing The District's Assets And Resources
Policy A2 (D)	Settlement Hierarchy
Policy A9	Safeguarding The Rural Landscape
Policy A38	Rural Tourism And Recreational Activities
Policy A43	Agricultural or Forestry Dwellings

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H7	Housing in the Countryside Outside Settlements
Policy H8	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
Policy LA2	Landscape Character and Areas Least Resilient to Change
Policy LA5	Protection of Trees, Woodlands and Hedgerows
Policy RST1	Criteria for recreation, sport and tourism development

3. Planning History

NW2003/2785/O - Site for erection of a bungalow with a semi-basement area dedicated in the management of the old and new woodland and amenity ponds area. Withdrawn 12th November 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raise no objection.

Internal Council Advice

- 4.2 Head of Highways and Transportation raises no objection.
- 4.3 Chief Conservation Officer objects since the proposal would visually extend built development into the countryside.

5. Representations

- 5.1 Eardisley Parish Council raise no objection.
- 5.2 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 The key issue for consideration in respect of this application is whether an exceptional need can be demonstrated that would justify a new permanent dwelling in the open countryside.
- 6.2 Policy A2 (D) of the Leominster District Local Plan (Herefordshire) establishes a strong presumption against residential development unless there are exceptional circumstances to justify otherwise. In this case the need is based upon the existing organic fruit production enterprise and the management and maintenance of the existing woodland and pool area. Part of the case also relates to the role of the site in providing opportunities for recreation and education in view of the tranquillity and wildlife interest associated with the woodland and pond area.

AREA SUB-COMMITTEE

- 6.3 The proposed dwelling has been considered in relation to the advice set out in Annexe A of PPS7. The criteria against which a new permanent dwelling may be justified include a requirement to demonstrate an established functional need for a full time worker; that the associated enterprise is financially viable and that the need cannot be fulfilled by another dwelling in the locality.
- 6.4 The applicant has provided his own assesement that the needs of the business would amount to a full time worker. There is no evidence as to how this conclusion was reached and furthermore it is respectfully advised that the needs of fruit production and the management of the woodland amenity area would not amount to an essential need for a permanent dwelling. No financial evidence is provided to support the case for an additional dwelling and it is suggested that the enterprise could and should be served by the existing dwelling, Oakland.
- 6.5 The pool restoration work undertaken and the efforts made by the applicant to maintain the woodland area and making it publicly accessible are recognised, but there is no justification for an additional dwelling resulting from this work. Furthermore, policies relating to tourism and recreation would not support the establishment of a permanent dwelling unless it were associated with the conversion of an existing building.
- 6.6 Accordingly there are no material considerations that would warrant a depature from the normal policy constraints relating to new residential development in the open countryside.
- 6.7 The site occupies a prominent and elevated position which is visible from the Almeley Road and whilst there are two existing dwellings to the immediate west and east, further development in the absence of any exceptional circumstances would be detrimental to the character and appearance of the site and surrounding countryside.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. **It is not considered that an essential need for the proposed dwelling has been established and as such the proposal is contrary to Policy H20 of the Hereford & Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan (Herefordshire) and the guiding principles set out in Annexe A of PPS 7.**
- 2. **The proposed dwelling in terms of its siting and elevated position would appear isolated in the landscape and out of keeping with its open character and appearance. It would therefore be contrary to Policy A9 of the Leominster District Local Plan (Herefordshire).**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

25 DCNW2004/3597/F - PROPOSED 2 STABLES AND TACK ROOM ON 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HR3 6ND

For: Mr & Mrs S & S Harris, Pine Tree cottage, 7 Church Road, Eardisley, Herefordshire, HR3 ENJ

Date Received:
19th October 2004

Ward:
Castle

Grid Ref:
29992, 50940

Expiry Date:
14th December 2004

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 This application is for the erection of a 2 bay stable building and tack room. It has a floor area of 35.2 m² and a maximum ridge height of 3 metres. It is faced with shiplap timber cladding under a black onduline roof.
- 1.2 The building is 'L' shaped and is located at the north-western boundary of the field, adjacent to an unclassified road. This is defined by a mature native species hedgerow. The land drops gently to the south and views from the site look out across open countryside. The nearest dwelling lies approximately 200 metres to the south-west.

2. Policies

Leominster District Local Plan

A9 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Head of Highways and Transportation - No objection.

- 4.3 Public Rights of Way Manager - No objection.
- 4.4 Head of Environmental Health and Trading Standards - No objection.

5. Representations

- 5.1 Parish Council - No objection.
- 5.2 The Ramblers Association - No objection.
- 5.3 Five letters of objection have been received from the following:

Mrs D M Stephens, Lower Welson, Eardisley
Mr D Smith, Barley Cottage, Lower Welson, Eardisley
Mr & Mrs Chignell, Upper Welson Cottage, Eardisley and
Mr E C Williams, The Bower, Eardisley
A S Copping, Joyce & M B Caulfield, Upper Welson Farm, Eardisley

In summary the points raised are as follows:

- 1. The area is of exceptional beauty, with views across the Wye Valley. These will be restricted from the road if the stable is built.
 - 2. The construction of stables will entirely eclipse two oak trees on Bower Lane.
 - 3. Concerns over potential pollution.
 - 4. This application will inevitably lead to others if permitted.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The applicants have recently purchased the field, which amounts to 1.34 hectares. They do not live in the immediate locality, but wish to keep their own horses on the land. The proposed stables are therefore intended for their own personal use.
- 6.2 The building is of a small scale and will not be prominent in the landscape. It will be viewed against a backdrop of a mature hedgerow, but this will only be at distance from public vantage points and it will be barely visible. At 3 metres in height, it is not overly tall and concerns that it will 'eclipse' two mature oak trees cannot be substantiated.
- 6.3 Suggestions by objectors that the building would be better located on the southern boundary of the site would ultimately lead to a more visually intrusive form of development as this would inevitably lead to the construction of a vehicular access track across the field. In the position as proposed, it is sufficiently close to the field access onto Bower Lane to ensure that any such works are not prominent or extensive.
- 6.4 Any surface water run off will drain naturally onto the land. This is a small-scale development for which full drainage details would not normally be required. However, the applicants have not indicated how they propose to dispose of storm water, and this can be addressed by an appropriately worded condition. With regard to issues of pollution, the Environmental Health Officer has not objected and it is not considered that a recommendation for refusal could be substantiated on these grounds.

- 6.5 Finally, concerns have been raised that this proposal will lead to further developments on the land. Members will be fully aware that all applications are treated individually and on their own merits and if any further applications are submitted they should be considered accordingly. Any speculation as to what might occur in the future is not material to this proposal.
- 6.6 In conclusion, the proposal is of a small scale. It is appropriately located so as not to be visually prominent and will not have any demonstrable impact in terms of the appearance of the wider landscape. It therefore accords with policy and the application is 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 - E11 (Private use of stables only)**

Reason: In order to safeguard the residential amenity of the area.

- 3 - 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.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**26 DCNW2004/3669/F - CONSTRUCTION OF 2
POLYTUNNELS FOR CONTAINER PLANT
PRODUCTION AT CREDALE NURSERY, UPPER HILL,
LEOMINSTER, HEREFORDSHIRE, HR6 0JZ**

For: Mr E Smith at same address

Date Received:
22nd October 2004

Ward:
**Golden Cross with
Weobley**

Grid Ref:
47203, 53104

Expiry Date:
17th December 2004

Local Member: Councillor John Goodwin

1. Site Description and Proposal

- 1.1 Credale Nursery was purchased by the applicant in 1994, and was previously known as Swintage Nurseries. The dwelling associated with the nursery is subject to an agricultural / horticultural occupancy restriction. The application site forms part of an established horticultural nursery that now specialises in growing Japanese Maples and Hellebores which are primarily sold wholesale. The site already has a number of existing polytunnels in the adjacent field (between the application site and associated dwelling). The field which is the subject of this application has two existing polytunnels that measure 9m x 22.5m x 3.5m (h) and are sited to the north of the field (approved under application number NW2001/2658/F). The ground slopes south to north towards the existing polytunnels. The site has a mature hedgerow to the west, north and east. The southern boundary is currently fenced and a new hedge has been recently planted.
- 1.2 The proposal is for the erection of the two additional polytunnels to the south of the two existing polytunnels. These would also measure 9m x 22.5m x 3.5m (h). The structures would have an arched form with a steel and aluminium gable end framing with Luminance THB AF polythene 800guage external. A winch up side vent with ventilation mesh is incorporated to the side elevations (to a height of 1.4m). The tunnels would also have guttering allowing for the collection and reuse of water. The tunnels are covered by a green shade net from April to November. Access to the site is via the existing access adjacent to the associated dwelling (U94000).

2. Policies

PPG1 – General Policy and Principles
PPGS7 – Sustainable Development in Rural Areas

2.1 Hereford and Worcester County Structure Plan

CTC2 – Development in area of Great Landscape Value

2.2 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A9 – Safeguarding the Rural Landscape
- A12 – New Development and Landscape Schemes
- A35 – Small Scale New Development for Rural Businesses Within or Around Settlements

2.3 Unitary Development Plan (Deposit Draft)

- DR2 – Land Use and Activity
- LA2 – Landscape Character and Areas Least Resilient to Change
- LA6 – Landscaping Schemes

3. **Planning History**

- 3.1 NW2001/2658/F - Construction of two polytunnels - Approved 29 November 2001
- 3.2 96/0815/N - Construction of a polythene polytunnel to increase production area of nursery - Approved 27 November 1996

4. **Consultation Summary**

Statutory Consultations

- 4.1 No statutory consultees consulted.

Internal Council Advice

- 4.2 Head of Highways and Transportation has no observations to make on this application.

5. **Representations**

- 5.1 The applicant has submitted some supporting information in relation to the application, much of which is in response to the concern raised by local residents. This can be summarised as follows:

- Credale Nursery was purchased in Dec 94, and was previously run as Swintage Nurseries (1978). The property was bought with a Agricultural / Horticultural occupancy condition, which has been honoured with the property continuing to be run as a nursery.
- The nursery specialises in growing Japanese Maples and Hellebores which are primarily sold wholesale.
- To be able to continue to keep the nursery viable and provide employment for ourselves, it is necessary for us to increase our production area by a modest two growing tunnels.
- The proposed tunnels will have guttering allowing collection and reuse of the water on the plants. The plants will sit on a sealed capillary mat which makes the most efficient use of the water applied by hand; therefore the increase in water usage would be minimal.

- The tunnels are covered in a green shade net from April to November and are surrounded by either tall or recently planted hedges which both minimises any visual impact and reduces the amount of water used by plants.
- Being a small nursery our current maximum daily water consumption is 8.5 cubic metres / day. Even increasing the production area, our maximum daily water consumption would not go above 10 cubic metres / day which is well below the 20 cubic metres / day required for an abstraction license.
- The small amount of waste soil produced from making the holes for the support tubes will be disposed of on site.
- The modest increase in production means that it is not expected to be any noticeable increase in traffic, possibly two extra movements per month from the main entrance.

5.2 Birley with Upper Hill Parish council resolved to make the following comment: All the immediate neighbours object to the visual impact of the polytunnels in a beautiful secluded area, which should be residential rather than commercial. There are also other aspects which worry the residents, i.e the amount of water used by the expanding nursery which apparently affected the water supply last summer.

5.3 Letters of representation have been received from A.G Beaver, Rose Cottage; Joyce Underwood, Stone House; Mr and Mrs Barnard, Upper Hill Cottage and Mr R. Pendleton, Swing Gate Cottage. These letters raise the following issues:

- Concern that access is not gained via the private lane that runs to the east of the field adjoining the application site as additional traffic would have an adverse impact on amenity and condition of the road.
- Concern over impact on the landscape and impact on the Area of Great Landscape Value because their physical presence would not lie sympathetically within the landscape. Relocation of soil to accommodate this development on this scale will destroy the ancient meadow land contours, along with its flora and fauna.
- Concern about traffic increase and inconvenience to other road users through deliveries causing obstruction.
- Potential water consumption also causes concern as residents in the locality gain water from local boreholes. A water shortage in the last couple of years has heightened concerns.
- Concern about the relocation of spoil soil left over from the works, that may be left to become overgrown with invasive weeds which may become visually unsightly and cause weeds to grow in the gardens of neighbouring properties.
- Concern over sufficient drainage systems?

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

6. Officers Appraisal

6.1 The main issues in the consideration of this proposal are the visual impact of the proposed poly tunnels, on the Landscape and Area of Great Landscape Value the potential impact on highway safety and access, soil relocation, water consumption and drainage. The issue of support of this small rural business is a material consideration.

6.2 The application site lies within an area of Great Landscape Value as designated in the Leominster District Local Plan and as such the impact of developments within this sensitive landscape is of importance. However, the site itself is not in a prominent

visual location within the area, with only glimpse views from public vantage points. The application site also has three boundaries with tall mature hedging and trees forming an effective screen for the existing and proposed tunnels. The additional two polytunnels, which are only 3.5m in height, are not considered to have an adverse impact on the Area of Great Landscape Value. A hedgerow has also recently been planted along the Southern Boundary. As such the proposal accords with policies A1, A4 and A7 of the local plan, which seek to protect such areas from development that would be harmful to the landscape quality of the area.

- 6.3 The proposal allows for an increase in production in order to support and increase the nursery business. The increase in production gained by the polytunnels is likely to only increase traffic movements by approximately two vehicles per month. This increase would not cause concern in relation to highway safety or disturbance to local residents.
- 6.4 The local residents have raised some strong concern relating access being gained to the private drive / lane that provides access to their houses. This application does not apply for nor gives consent for an access from Credale nursery onto this lane and as such these concerns, whilst noted, cannot be taken into account as part of this application.
- 6.5 As a result of the development, some soil will be removed from the site. Although this is likely to be minimal, a condition is suggested to control the deposit and treatment of any extracted soil so to protect the landscape and visual qualities of the area.
- 6.6 Some concern has also been raised over the increase in water consumption, which could have an impact upon other borehole users in the area. The increase in water consumption is likely to be minimal, and measures have been introduced by the applicants, such as guttering and capillary matting to maximise the use of water. The boreholes and consumption are also monitored and regulated by the Environment Agency.
- 6.7 Drainage of the site is proposed to existing soakaways in the adjoining fields. Details are requested by condition for the purpose of clarification.
- 6.8 To conclude, the proposed polytunnels are a small scale, minimal development that would enhance the prospects of this established rural business. The structures would not be visually harmful or intrusive to the sensitive landscape area and accords with the policies that seek to protect the area. The increase in production is would not have a detrimental impact on highway safety or water consumption / provision. Matters relating to soil disposal /excavation and drainage can be satisfied by condition. As such the proposal is considered to be acceptable and a recommendation of approval with conditions is proposed.

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 - 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.

3 - G07 (Details of earth works)

Reason: In order to protect the landscape auality of the area and local amenities.

Informatives:

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

2 - Please note that this permission does not convey approval for any new vehicular or pedestrian accesses.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**27 DCNW2004/3725/F - CHANGE OF USE FROM
PADDOCK TO RESIDENTIAL GARDEN AND
RETENTION OF PART OF DECKING AT THE BOTHY,
LOWER HERGEST, KINGTON, HEREFORDSHIRE**

For: Mr D Broadley at above address.

Date Received:
26th October 2004

Ward:
Kington Town

Grid Ref:
27536, 55436

Expiry Date:
21st December 2004

Local Member: Councillor Terry James

1. Site Description and Proposal

- 1.1 The application site lies to the rear of the detached rural dwelling known as the Bothy. The piece of land that is the subject of this application sits to the rear (northwest) of the dwelling (at a higher level than the associated dwelling) and is accessed via steps. The site has been used formally as garden area for a number of years and is currently grass lawn. This area drops away steeply at the southern end towards a post / wire fence that forms the boundary with the neighbouring agricultural grazing land. A level 'decking' area has been constructed to the South of the application site over this area. Building materials and waste have been deposited in this area, and it is evident that this has been there for some time. The decking spans the entire width of the site at about a height difference of 1m from ground level, at the Southern boundary of the site and a further 1m high balustrade surrounding.
- 1.2 Rose Cottage, A detached cottage, lies immediately to the south east of the Decking Area and to the south west of The Bothy. The application site is some 2m in height above the ground level of the properties.
- 1.3 The proposal forms two parts, both retrospective. The first is the change of use of this piece of land, that was formally agricultural, to be included within the residential curtilage of the dwelling. The second is the partial retention of the decking that has been installed to the southern part of the site. This currently measures 6.8m and would be reduced to a width of 4.3m. An area of planting between the decking and boundary with Rose Cottage is proposed in place of the existing decking.

2. Policies

2.1 Planning Policy Guidance

PPG1 –

2.2 Hereford and Worcester County Structure Plan

CTC2 – Development in Area of Great Landscape Value

2.3 Leominster District Local Plan

- A41 – Protection of Agricultural Land
- A53 – Protection from Encroachment into the Countryside
- A54 – Design and Layout of Housing Development

2.4 Herefordshire Unitary Development Plan – Deposit Draft

- DR2 – Land Use and Activity
- LA2 – Landscape Character and Areas Least Resilient to Change
- LA6 – Landscaping Schemes

3. Planning History

- 3.1 None relevant to this application.

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory consultees.

Internal Council Advice

- 4.4 Head of Highways and Transportation has no objection.

5. Representations

- 5.1 The Parish Council comment: Initially the members of the Council had no objections to this change of use from paddock to residential garden. The Council would like to point out that this proposal is set in a rural position and not an urban one and that the land in question is on a high elevation. Following a site inspection of the land it is obvious that this is a retrospective application and that the works have already been completed. The members would point out to the Planning Department that an ancient hedge has been removed to install decking, with a post line (part of decking) completely on the former hedge line, in effect forming a boundary fence; the decking starts off at ground level and raises to at least 4' off the ground of the site. However, no consideration has been given to the adjoining property owners, when the decking was put in place. The members of the Council believe that this decking should be removed and moved to a more appropriate space behind The bothy and away from its current position behind Rose Cottage. Kington Rural and Lower Hampton Parish Council would also wish to see the hedge and all trees reinstated. From observation it is obvious that this work has been done to gain a view. It is felt by members of the Council that stringent conditions should be placed upon any approval given, ensuring that firstly the hedge and trees are replaced, restrictions made to prevent development of any kind behind Rose Cottage, to include decking, sheds, summer houses, greenhouses, conservatories etc.

- 5.2 Two letters of objection have been received. The first from Tina and Gordon Davison of Rose Cottage and is attached as an appendix.
- 5.3 The second letter from Kate and Andrew Garman and is attached as an appendix.

6. Officers Appraisal

- 6.1 The main issues in the consideration of this application are the principles and acceptability of the change of use and decking on the landscape quality of the area and of on the amenities and living conditions currently enjoyed by the residents of the adjoining properties.
- 6.2 The change of use of use of the land from agricultural to garden was undertaken a number of years ago. In principle the encroachment of residential use into agricultural land is contrary to the policies that set out to protect the countryside. However, consideration has been given to the minimal nature of the intrusion and to the relationship with the dwelling and surroundings. As such it is considered that the proposed change of use in itself is acceptable.
- 6.3 The more problematic element of this application is the area of decking that has been erected to the South of this piece of land. The decking, in its current form, being laid at a higher level than the existing ground level, has the effect of directly overlooking the path and private space that runs to the rear of Rose Cottage, directly impeding on the privacy currently enjoyed by its occupiers. However, the application that has been submitted addresses this issue by removing a section of the decking, setting it back from this shared boundary by 2.5m. Whilst this set back itself will address much of the direct overlooking implications due to the difference in levels, a section of landscaping in this area is also proposed. Although details of the landscaping have not been submitted, a condition is proposed to ensure that the landscaping proposed serves the purpose of providing a screen between the decking and the neighbouring property. It is therefore considered that the overlooking and privacy issues can be overcome and therefore comply with the local plan policies that seek to protect residential amenity.
- 6.4 The decking area is clearly visible from the adjoining field and from some of the properties in the locality. The decking in its current form is quite visually intrusive from this view point. However, this application has made a significant reduction in the width of the decking therefore reducing the scale of the structure and overall impact. The landscaping condition as above will also soften the impact. Both the parish Council and neighbours make reference to removal of a hedgerow on the site. Whilst there appears to be evidence of the removal of a tree from within the site, it is uncertain as to whether the hedge was removed as part of this development. In its proposed form and with the appropriate landscaping it is considered that the proposed decking would not be so intrusive on the landscape that it would constitute a reason to refuse this application.
- 6.5 If permission is granted to continue the use of the land as part of the residential curtilage, then the site would benefit from permitted development rights, under which further structures could be erected. A condition removing the rights to erect any further structures on the application site is therefore recommended.

- 6.6 As this application is retrospective and is already having an impact on the neighbouring property, a condition recommending that the works to the decking are completed and landscaping scheme submitted within 2 months is recommended. A further condition ensuring that the landscaping is completed within the first planting season and retained for the life of the development.
- 6.7 To summarise, the use of the land as an extension of the residential garden is considered to be acceptable. The decking, in its revised form, and with control over the proposed landscaping through the use of conditions, is also considered to overcome the concerns relating to amenity, privacy and visual impact. As such this proposal is in accordance with the policies of the local plan and a conditional permission is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - Within 2 months of the date of this permission the unauthorised decking shall be removed and revised decking completed in accordance with the submitted plans.**

Reason: The local planning authority is not prepared to permit the retention of the entire structure and requires its removal in the interests of the amenities of the neighbouring property and surrounding landscape.

- 2 - Within 2 months of the date of this permission a scheme of landscaping, which shall include all proposed planting, clearly described with species, sizes and planting numbers, shall be submitted to and approved in writing by the Local Planning Authority.**

In order to ensure to protect the visual amenities of the area and amenities of the neighbouring properties.

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

Reason: In order to protect the visual amenities of the area and in order to ensure that the planting is completed and retained to protect the amenities of the neighbouring properties.

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

Reason: In order to protect the landscape character of the area.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Ack'd 19/12

Kate & Andrew Garman
Orchard House
Lower Hergest
Kington
HR5 3EN

29th November 2004

The Planning Officer
Northern Planning Services
PO Box 230
Blueschool House
Blueschool Street
Hereford HR1 2ZB



Dear Sir/Madam

Re: Application No. DCNW2004/3725/F. The Bothy, Lower Hergest, Kington.

Thank you for your letter of 3rd November concerning the above retrospective planning application.

We have enclosed a plan showing our property in relation to the proposed development as this is not clear on the application.

Background

The majority of the land in question adjoins our small paddock which measures approximately half an acre. This land has always been used for livestock grazing though the land itself has not been managed in some years. We are continuing this use with our own sheep and are planning to enhance the habitat by fruit tree planting and laying/coppicing of the hedgerows.

On the south east boundary approximately 11 feet of the land adjoins our garden.

Whilst the majority of the development land was used for vegetable growing by the previous owners of The Bothy there was an intensification of its use when a permanent seating area, lawn and garden planting were established at point x on plan. This resulted in a loss of privacy in our garden. We mitigated this by putting up an area of fencing. We also planted a hedgerow around the boundary when the previous owners insisted we remove the livestock from our paddock in case said livestock should break through their stock proof fencing and cause damage to the development land. Subsequently this hedging was severely cut back (beyond the boundary of the Bothy) on the north east side, mainly by the previous owners but also by the applicants. This is presumably because they would like the benefit of the view on this side of the plot. This has successfully inhibited the growth of the hedge on this side.

To date no consideration has been given to the use of the land that surrounds the development land or the effects any change may have on existing uses. We would ask that this is taken into

account when considering this application and that any change of use does not prejudice the existing or future use of our land.

Enclosure of the development land.

1. The development land is some 7 feet higher than the existing house and garden of the Bothy and Rose Cottage. This has served to provide a natural boundary and buffer between incompatible uses.
2. Residential use of this land would not relate well to the existing form of the settlement. The effect of any domestic paraphernalia e.g. greenhouses, garden ornaments, lights, climbing frames, decking, washing lines etc would have a detrimental effect on the otherwise open and undeveloped character and appearance of the landscape.

Hedging around the entire boundary of the plot would provide a new buffer between incompatible uses (protecting the development land from the livestock and the livestock from noxious planting, chemical use etc), and would also serve to mitigate the effects of garden paraphernalia. Whilst we are happy to replant and maintain the existing hedging there is no guarantee it will be permitted to grow on the north west boundary.

We therefore consider it would be a reasonable condition of consent that the applicants provide fencing (to the same height as existing fencing on other parts of the boundary) along the NW edge of the plot. This would establish a precedent of enclosure and a recognition of both the differing needs of the adjoining plots and the effect of residential use on the landscape. This would enable us to grow the hedging unhindered on our side of the boundary.

Permitted development rights

Permitted development rights if change of use is granted may further prejudice our amenity as: -

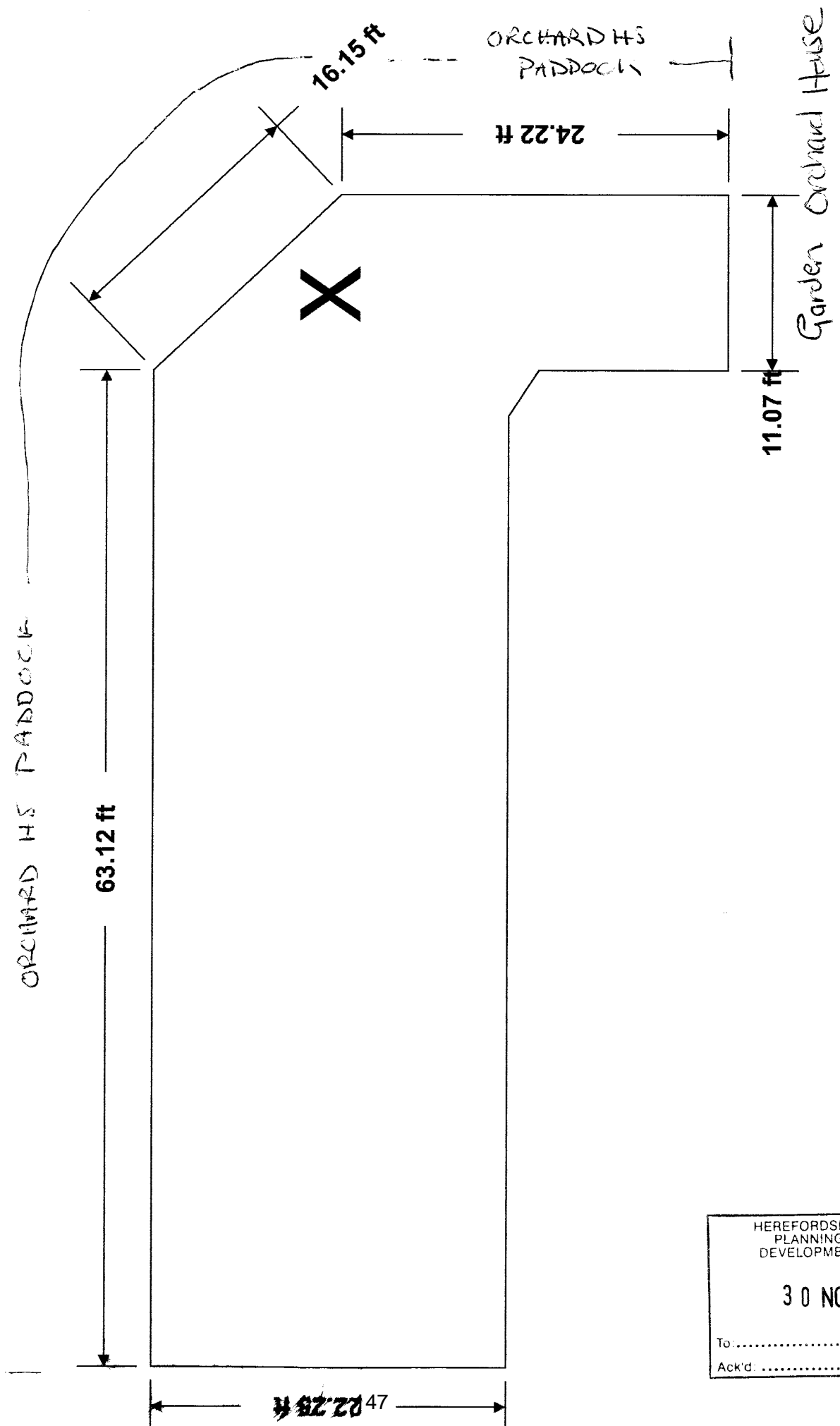
- a) Back to back gardens are not in keeping with the character of this settlement and this has already created a cramping effect.
- b) Given that our livestock have only half an acre of space we would be concerned that intensive use of the development land may prejudice our continued use of the agricultural land for livestock grazing.

Yours faithfully



Andrew and Kate Garman

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL
30 NOV 2004
To:
Ack'd: File:



HEREFORDSHIRE COUNCIL
 PLANNING SERVICES
 DEVELOPMENT CONTROL

30 NOV 2004

To:

Ack'd: File:

Act'd 19/12

Kate & Andrew Garman
Orchard House
Lower Hergest
Kington
HR5 3EN

29th November 2004

The Planning Officer
Northern Planning Services
PO Box 230
Blueschool House
Blueschool Street
Hereford HR1 2ZB



Dear Sir/Madam

Re: Application No. DCNW2004/3725/F. The Bothy, Lower Hergest, Kington.

Thank you for your letter of 3rd November concerning the above retrospective planning application.

We have enclosed a plan showing our property in relation to the proposed development as this is not clear on the application.

Background

The majority of the land in question adjoins our small paddock which measures approximately half an acre. This land has always been used for livestock grazing though the land itself has not been managed in some years. We are continuing this use with our own sheep and are planning to enhance the habitat by fruit tree planting and laying/coppicing of the hedgerows.

On the south east boundary approximately 11 feet of the land adjoins our garden.

Whilst the majority of the development land was used for vegetable growing by the previous owners of The Bothy there was an intensification of its use when a permanent seating area, lawn and garden planting were established at point x on plan. This resulted in a loss of privacy in our garden. We mitigated this by putting up an area of fencing. We also planted a hedgerow around the boundary when the previous owners insisted we remove the livestock from our paddock in case said livestock should break through their stock proof fencing and cause damage to the development land. Subsequently this hedging was severely cut back (beyond the boundary of the Bothy) on the north east side, mainly by the previous owners but also by the applicants. This is presumably because they would like the benefit of the view on this side of the plot. This has successfully inhibited the growth of the hedge on this side.

To date no consideration has been given to the use of the land that surrounds the development land or the effects any change may have on existing uses. We would ask that this is taken into

account when considering this application and that any change of use does not prejudice the existing or future use of our land.

Enclosure of the development land.

1. The development land is some 7 feet higher than the existing house and garden of the Bothy and Rose Cottage. This has served to provide a natural boundary and buffer between incompatible uses.
2. Residential use of this land would not relate well to the existing form of the settlement. The effect of any domestic paraphernalia e.g. greenhouses, garden ornaments, lights, climbing frames, decking, washing lines etc would have a detrimental effect on the otherwise open and undeveloped character and appearance of the landscape.

Hedging around the entire boundary of the plot would provide a new buffer between incompatible uses (protecting the development land from the livestock and the livestock from noxious planting, chemical use etc), and would also serve to mitigate the effects of garden paraphernalia. Whilst we are happy to replant and maintain the existing hedging there is no guarantee it will be permitted to grow on the north west boundary.

We therefore consider it would be a reasonable condition of consent that the applicants provide fencing (to the same height as existing fencing on other parts of the boundary) along the NW edge of the plot. This would establish a precedent of enclosure and a recognition of both the differing needs of the adjoining plots and the effect of residential use on the landscape. This would enable us to grow the hedging unhindered on our side of the boundary.

Permitted development rights

Permitted development rights if change of use is granted may further prejudice our amenity as: -

- a) Back to back gardens are not in keeping with the character of this settlement and this has already created a cramping effect.
- b) Given that our livestock have only half an acre of space we would be concerned that intensive use of the development land may prejudice our continued use of the agricultural land for livestock grazing.

Yours faithfully



Andrew and Kate Garman

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL
30 NOV 2004
To:
Ack'd File:

