

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 23rd March, 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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Tel 01432 260248*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 23rd February, 2005	1 - 18
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	19 - 22
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items 6 – 10 are applications deferred for site inspections at the last meeting and items 11 – 28 are applications previously deferred or new applications.	
6. DCNC2004/2250/F - QUAD BIKING TRACK AND PAINTBALLING AREA AT BODENHAM MANOR, BODENHAM, HEREFORD, HR1 3JS FOR: MR P WILLIAMS PER HOOK MASON, 11 CASTLE STREET, HEREFORD, HR1 2NL Ward: Hampton Court	23 - 26

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| 7. | <p>DCNC2004/2651/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST. BOTOLPH'S GREEN/SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE FOR:V</p> <p>Ward: Leominster South</p> | 27 - 38 |
| 8. | <p>DCNC2004/3698/F - PROPOSED THERAPEUTIC RIDING CENTRE COMPRISING INDOOR AND OUTDOOR ARENAS WITH ASSOCIATED FACILITIES, STABLE YARD AND HAY STORE AT WHARTON BANK FARM, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX FOR: HEREFORDSHIRE RIDING FOR THE DISABLED PER DAVID TAYLOR CONSULTANTS, THE WHEELWRIGHT'S SHOP, PUDLESTON, LEOMINSTER, HEREFORDSHIRE, HR6 0RE</p> <p>Ward: Leominster South</p> | 39 - 46 |
| 9. | <p>DCNW2004/3562/F - PROPOSED AGRICULTURAL BARN AT TUNNEL LANE NURSERY, TUNNEL LANE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HY FOR: TUNNEL LANE NURSERY PER MR D LEE, OILMILL STUDIOS, BRAMPTON BRYAN, BUCKNELL, SY7 0EW</p> <p>Ward: Bircher</p> | 47 - 54 |
| 10. | <p>DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT UNIT 16, COURT FARM BUSINESS PARK, BISHOPS FROME, WORCESTER, HEREFORDSHIRE, WR6 5AY FOR: W J HOLDEN & ASSOCIATES PER MICHAEL LATCHEM & ASSOCIATES, 9 AYLESTONE DRIVE, HEREFORD. HR1 1HT</p> <p>Ward: Frome</p> | 55 - 58 |
| 11. | <p>DCNE2004/2447/F - CONVERSION OF BARN TO SINGLE DWELLING AT BATCHCOMBE FRUIT FARM, STORRIDGE, MALVERN, HEREFORDSHIRE, WR13 5ES AND DCNE2004/2449/F - CONVERSION OF TWO BARNES INTO TWO DWELLINGS AT THE SAME ADDRESS FOR: A KELSALL & SONS PER GURNEY STORER & ASSOCIATES THE STABLES MARTLEY WORCESTERSHIRE WR6 6QB</p> <p>Ward: Hope End</p> | 59 - 64 |
| 12. | <p>DCNE2004/3962/F - CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 AND PROVISION OF PARKING FOR 3 COMMERCIAL VEHICLES. AGRICULTURAL BUILDING AND LAND TO THE REAR OF ASHBOURNE HOUSE, LOWER EGGLETON, LEDBURY HEREFORDSHIRE, HR8 2TZ FOR: MR & MRS J FRY JOHN PHIPPS BANK LODGE COLDWELLS ROAD HOLMER HEREFORD HR1 1LH</p> <p>Ward: Frome</p> | 65 - 68 |

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| 13. | <p>DCNE2004/4294/F - CONSTRUCTION OF SINGLE STOREY SIDE EXTENSION AND ALTERATION TO FRONT ENTRANCE TO INCLUDE NEW PITCHED ROOF AT FORTEY COTTAGE, CRESCENT ROAD, COLWALL, WORCESTERSHIRE WR13 6QW AND DCNE2004/4295/L - AS ABOVE FOR: MR & MRS LEE MEREDITH ARCHITECTURAL DESIGN 34 MONTPELIER ROAD WEST MALVERN WORCS WR14 4BS</p> <p>Ward: Hope End</p> | 69 - 72 |
| 14. | <p>DCNE2005/0160/L - REMOVAL OF CHIMNEY (RETROSPECTIVE). REPLACE WINDOWS AND FRENCH DOORS. REPLACE KITCHEN WINDOW WITH FRENCH DOOR. INSTALL NEW STAIRCASE AND DOOR IN ORIGINAL POSITIONS AT PEGS FARM, STAPLOW, LEDBURY, HEREFORDSHIRE, HR8 1NQ FOR: J NICHOLLS C A MASEFIELD BUILDING DESIGN SERVICES 66-67 ASHPERTON ROAD MUNSLEY LEDBURY HEREFORDSHIRE HR8 2RY</p> <p>Ward: Hope End</p> | 73 - 76 |
| 15. | <p>DCNE2005/0241/F - DETACHED SINGLE GARAGE ON LAND ADJACENT TO OAK BANK, CHAPEL LANE, CRADLEY FOR: MR G W HARRIS PER MR I GUEST IAN GUEST & ASSOCIATES, 3 JUNIPER WAY, MALVERN WELLS, WORCESTERSHIRE, WR14 4XG</p> <p>Ward: Hope End</p> | 77 - 80 |
| 16. | <p>DCNE2005/0445/F - EXTENSION TO UNIT 1 TO FORM OFFICE BUILDING ADJ TO UNIT 1, STATION YARD INDUSTRIAL ESTATE, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6RN FOR: MERLIN ENERGY RESOURCES LTD PER BUILDPLAN, FAIRFIELD OLD CHURCH ROAD COLWALL MALVERN WR13 6EZ</p> <p>Ward: Hope End</p> | 81 - 84 |
| 17. | <p>DCNE2005/0458/F - CONSTRUCTION OF FRONT PORCH AT 4 MASSEY ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FB FOR: MR S WATKINS AT SAME ADDRESS</p> <p>Ward: Ledbury</p> | 85 - 88 |
| 18. | <p>DCNW2004/3925/F - PROPOSED NEW DWELLING AT LAND ADJOINING EAST COTTAGE, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LF FOR: MR & MRS POWELL MALCOLM HARRISON & ASSOCIATES THE ARK ORCOP HILL HEREFORD HR2 8SE</p> <p>Ward: Castle</p> | 89 - 94 |
| 19. | <p>DCNW2004/4321/O - SITE FOR THE CONSTRUCTION OF CHRISTIAN MEETING HALL SITE ADJACENT TO BANLEY FARM OFF EARDISLEY ROAD, KINGTON. HEREFORDSHIRE FOR: MR P SMITH PER MR C KEETON 23 STOCKENHILL ROAD LEOMINSTER HEREFORDSHIRE HR6 8PP</p> <p>Ward: Kington Town</p> | 95 - 100 |

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| 20. | DCNW2005/0295/O - SITE FOR THE ERECTION OF ONE DWELLING AT LAND ADJACENT TO WISTERIA COTTAGE, LEINTWARDINE FOR: MR L MORGAN PER MR S ANGELL STONE COTTAGE PIPE ASTON NR LUDLOW SHROPSHIRE SY8 2HG | 101 - 104 |
| | Ward: Mortimer | |
| 21. | DCNW2005/0306/F - SUBSTITUTION OF HOUSE TYPES ON APPROVED RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, HEREFORDSHIRE FOR: MR & MRS PUGH PER JENNINGS HOMES LTD, NEW PARK HOUSE, BRASSEY ROAD, SHREWSBURY, SHROPSHIRE SY2 7FA | 105 - 112 |
| | Ward: Bircher | |
| 22. | DCNW2005/0410/F - REMOVAL OF EXISTING BUNGALOW AND REPLACE WITH TWO COTTAGE STYLE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE FOR: KINGTON BUILDING SUPPLIES, GARNER SOUTHALL PARTNERSHIP, 3 BROAD STREET, KNIGHTON, POWYS LD7 1BL | 113 - 120 |
| | Ward: Kington Town | |
| 23. | DCNW2005/0535/F - RETROSPECTIVE APPLICATION FOR AN AREA OF HARDSTANDING AT 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6ND FOR: MRS S HARRIS OF PINE TREE COTTAGE, 7 CHURCH ROAD, EARDISLEY, HR3 6NJ | 121 - 124 |
| | Ward: Castle | |
| 24. | DCNC2005/0024/F - FIRST FLOOR EXTENSION TO SIDE OF DWELLING AT 23 OLDFIELDS CLOSE, LEOMINSTER, HEREFORDSHIRE, HR6 8PY FOR: MS S SINGLETON OF SAME ADDRESS | 125 - 128 |
| | Ward: Leominster North | |
| 25. | DCNC2005/0055/F - PROPOSED FARMHOUSE AT LOWER POOL FARM, LEYSTERS, HEREFORDSHIRE, HR6 0HN FOR: MR & MRS N GREENER PER MR D DICKSON, 101 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AF | 129 - 132 |
| | Ward: Upton | |
| 26. | DCNC2005/0062/F - NEW BUILD FAMILY CENTRE AT REAR OF TOP GARAGE, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QU FOR: HOPE FAMILY CENTRE PER PROPERTY SERVICES HEREFORDSHIRE COUNCIL FRANKLIN HOUSE 4 COMMERCIAL ROAD HEREFORD HR1 2BB | 133 - 136 |
| | Ward: Bromyard | |

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| <p>27. DCNC2005/0341/F - PROPOSED 2 NO. 2 BEDROOMED COTTAGES WITH 4 NO. PARKING SPACES AT LAND TO THE REAR OF 3 LITTLE HEREFORD STREET, BROMYARD, HEREFORDSHIRE, HR7 4DE FOR: MR K HANDLEY PER LINTON DESIGN GROUP 27 HIGH STREET BROMYARD HEREFORDSHIRE HR7 4AA</p> <p>Ward: Bromyard</p> | <p>137 - 140</p> |
| <p>28. DCNC2005/0413/F - CHANGE OF USE FROM RESIDENTIAL CARE HOME TO BED & BREAKFAST/GUEST HOUSE ACCOMMODATION AT 2 PIERREPONT ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RA FOR: MRS S HILL AT SAME ADDRESS</p> <p>Ward: Leominster North</p> | <p>141 - 144</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, 23rd February, 2005 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, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE and J.P. Thomas

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

180. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Brig P. Jones, T.M. James and R.V. Stockton.

181. DECLARATIONS OF INTEREST

Councillor/Officer	Item	Interest
Cllr Mrs J.P. French	6 - Change of use of ground floor to snooker Hall at Brook Hall, 27 Broad Street, Leominster.	prejudicial and left the meeting for the duration of this item.
Cllr R.B.A. Burke, Cllr J.P. Thomas Mr M Tansley	8 - Residential development of 44 dwellings including affordable housing on land at St. Botolph's Green, Southern Avenue, Leominster.	prejudicial and left the meeting for the duration of this item.
Cllr P.E. Harling	10 - Change of use to retail of furniture, bric-a-brac, clothes, books & all donated items at Units 17 & 18 Station Yard, Worcester Road, Leominster.	prejudicial and left the meeting for the duration of this item.
Cllr B.F. Ashton Cllr D.W. Rule Cllr J.P. Thomas	11 - Single storey extension to provide reception class, remodel internal Class 2 & nursery at St Michaels C of E Primary School, Bodenham.	prejudicial and left the meeting for the duration of this item.
Cllr P.J. Dauncey Cllr R.M. Manning Cllr D.W. Rule	13 - New build family centre at rear of Top Garage, Panniers Lane, Bromyard.	prejudicial and left the meeting for the duration of this item.

Cllr J. Stone	14 - Site for mobile home for agricultural management of livestock (temporary) at land at Woonton.	prejudicial and left the meeting for the duration of this item.
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182. MINUTES

RESOLVED: That the Minutes of the meeting held on 26 January 2005 be approved as a correct record and signed by the Chairman.

183. ITEM FOR INFORMATION - APPEALS

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

184. 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.

**185. 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
(AGENDA ITEM 6)**

The receipt of two letters of objection was reported.

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

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 - The use hereby permitted shall not take place between the hours of 11.00 pm and 10.30 am daily.

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

3 - Before the development hereby permitted commences a scheme for noise attenuating measures for the snooker hall and lounge bar shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use.

Reason: To safeguard the amenity of the area.

Informatives

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

186. DCNC2004/2250/F - QUAD BIKING TRACK AND PAINTBALLING AREA AT BODENHAM MANOR, BODENHAM, HEREFORD, HR1 3JS FOR: MR P WILLIAMS PER HOOK MASON, 11 CASTLE STREET, HEREFORD, HR1 2NL (AGENDA ITEM 7)

RESOLVED

That consideration of the application be deferred pending a site inspection on the following grounds.

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

187. DCNC2004/2651/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST. BOTOLPH'S GREEN/SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE FOR: WESTBURY HOMES (HOLDINGS) LTD PER MR G BROCKBANK HUNTER PAGE PLANNING LTD THORNBURY HOUSE 18 HIGH STREET CHELTENHAM GL50 1DZ (AGENDA ITEM 8)

The Northern Team Leader reported that the number of affordable housing units proposed in the scheme was 15.

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

RESOLVED

That consideration of the application be deferred pending a site inspection on the following grounds.

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

188. **DCNC2004/3698/F - PROPOSED THERAPEUTIC RIDING CENTRE COMPRISING INDOOR AND OUTDOOR ARENAS WITH ASSOCIATED FACILITIES, STABLE YARD AND HAY STORE AT WHARTON BANK FARM, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX FOR: HEREFORDSHIRE RIDING FOR THE DISABLED PER DAVID TAYLOR CONSULTANTS, THE WHEELWRIGHT'S SHOP, PUDLESTON, LEOMINSTER, HEREFORDSHIRE, HR6 0RE (AGENDA ITEM 9)**

The receipt of a letter of support was reported.

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

RESOLVED

That consideration of the application be deferred pending a site inspection on the following grounds.

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

189. **DCNC2004/3783/F - CHANGE OF USE TO RETAIL OF FURNITURE, BRIC A BRAC, CLOTHES, BOOKS & ALL DONATED ITEMS AT UNITS 17 & 18, STATION YARD, WORCESTER ROAD, LEOMINSTER. FOR: ST MICHAELS HOSPICE, BARTESTREE, HEREFORD (AGENDA ITEM 10)**

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

The Northern Team Leader said that the speaker applicant had mentioned a number of proposed uses which were in addition to that for retail set out in the application. He therefore suggested that consideration of the application be deferred to permit further discussions with the applicant.

RESOLVED

That consideration of the application be deferred to allow further discussions between the officers and the applicant about all the proposed uses of the units.

190. DCNC2004/4265/F - SINGLE STOREY EXTENSION TO PROVIDE RECEPTION CLASS, REMODEL INTERNAL CLASS 2 AND NURSERY AT ST. MICHAELS C OF E PRIMARY SCHOOL, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3JU FOR: GOVENORS OF BODENHAM ST MICHAELS C OF E PRIMARY SCHOOL PER HEREFORDSHIRE COUNCIL PROPERTY SERVICES FRANKLIN HOUSE 4 COMMERCIAL ROAD HEREFORD HR1 2BB (AGENDA ITEM 11)

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

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 - G12 (Planting of hedgerows which comply with Hedgerow Regulations)

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

Informative:

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

191. DCNC2005/0055/F - PROPOSED FARMHOUSE AT LOWER POOL FARM, LEYSTERS, HEREFORDSHIRE, HR6 0HN FOR: MR & MRS N GREENER PER MR D DICKSON, 101 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AF (AGENDA ITEM 12)

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

Councillor J. Stone the Local Ward Member was of the view that the application should be approved because it complied with Planning Policy Statement 7, a number of the Council's Planning Policies and those of the emerging Unitary Development Plan regarding the functional agricultural use of the farm, agricultural diversification and tourism. He felt that the applicants had demonstrated a functional need for the dwelling as part of the agricultural business and that the proposed size of the dwelling was not excessive bearing in mind the family need combined with the need to provide an office in connection with the running of the business. He suggested that appropriate conditions for approval could include the removal of permitted development rights; the removal of the portacabin accommodation; no separate sales room; and appropriate landscaping/screening.

Having considered details of the application the Sub-Committee felt that there was merit in further discussions between the Officers and the applicants about the 'fishermans rest room' proposed within the dwelling. The Sub-Committee felt that if this was deleted the application might be more acceptable.

RESOLVED

That consideration of the application be deferred for further discussions between the Officers and the applicants to determine if the size of the proposed dwelling could be reduced as outlined above.

192. **DCNC2005/0062/F - NEW BUILD FAMILY CENTRE AT REAR OF TOP GARAGE, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QU FOR: HOPE FAMILY CENTRE PER PROPERTY SERVICES HEREFORDSHIRE COUNCIL FRANKLIN HOUSE 4 COMMERCIAL ROAD HEREFORD HR1 2BB (AGENDA ITEM 13)**

In accordance with the criteria for public speaking Mr Cave of Bromyard and Winslow Group Parish Council and Mrs Davies both spoke in favour of the application.

The Senior Planning Officer said that amended plans had been received and he suggested that consideration of the application be deferred to allow the Officers to consider them together with the implications of the applicant's proposals to erect a new boundary fence.

RESOLVED

That consideration for the application be deferred to enable the Officers to consider the amended plans submitted by the applicants.

193. **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 (AGENDA ITEM 14)**

The Chairman suggested that there was merit in granting the application because the proposed location of the temporary mobile home was the best location to minimise the impact on the adjoining countryside and for the agricultural needs of the applicant.

RESOLVED: That

- (a) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the following conditions (and any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee;**
- 1) the mobile home being tied to the agricultural business;**
 - 2) a scheme of landscaping to meet the prior approval of the Planning Authority; and**
 - 3) the lowest possible slab level for the mobile home**
- (b) **If the Head of Planning Services does not refer the application to Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.**

(The Development Control Manager said that he would not refer the application to the Head of Planning Services)

194. DCNW2004/3562/F - PROPOSED AGRICULTURAL BARN AT TUNNEL LANE NURSERY, TUNNEL LANE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HY FOR: TUNNEL LANE NURSERY PER MR D LEE, OILMILL STUDIOS, BRAMPTON BRYAN, BUCKNELL, SY7 0EW (AGENDA ITEM 15)

RESOLVED

That consideration of the application be deferred pending a site inspection on the following grounds.

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

195. DCNW2004/4206/L - INTERNAL ALTERATIONS AND UPGRADING, DEMOLITION OF GARDEN SHEDS AT 1 GLAN ARROW COTTAGES, BRIDGE STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9EX FOR: MRS E C FRANCIS PER MS G AMOS, BOULTIBROOKE, NORTON ROAD, PRESTEIGNE, POWYS, LD8 2EU (AGENDA ITEM 16)

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

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

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

- 2 – All development shall be carried out in strict accordance with the approved plans, except for the roof lights as indicated on the approved plans, on the rear elevation, which will be reduced to one, for which full details of location, design and type will be submitted to the Local Planning Authority and approved in writing prior to any development on site.

Reason: In the interests of the historical importance and character of the existing dwelling's structure.

- 3 - C07 (Painted finish to windows/doors)

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

Informatives:

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

196. **DCNW2005/0036/F - ERECTION OF PERMANENT AGRICULTURAL WORKERS DWELLING WITH GARAGE AT THE BOOZIE, UPHAMPTON FARM, UPHAMPTON, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9PA FOR: MR & MRS J ROBERTS PER BRYAN THOMAS, ARCHITECTURAL DESIGN LTD, THE MALT HOUSE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NL (AGENDA ITEM 18)**

Councillor RJ Phillips the Local Ward Member felt that the applicants had demonstrated a functional need for the dwelling as part of the agricultural business and that the proposed size of the dwelling was not excessive bearing in mind the family need combined with the running of the business. He felt that it met the necessary financial and functional tests for an agricultural dwelling. He suggested that appropriate conditions for approval could be imposed to remove permitted development rights and to ensure that the proposed garage could not be converted into residential use in the future

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

RESOLVED: That

- (c) **The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee;**
 - 1) **no permitted development rights;**
 - 2) **the dwelling being tied to the agricultural business;**
 - 3) **on completion demolition/removal of the mobile home;**
 - 4) **a scheme of landscaping to meet the prior approval of the Planning Authority;**
 - 5) **garage for storage of vehicles only and not sales; and**
 - 6) **other conditions approved by the Chairman of the Sub-Committee and local Ward Councillor**

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

(The Development Control Manager said that he would not refer the application to the Head of Planning Services)

197. DCNW2004/4300/F - SINGLE STOREY REPLACEMENT GARDEN ROOM AND TWO STOREY EXTENSION AT THE HALLETS, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HJ FOR: MS S ATKINSON & MS J FOWLER PER MR A LAST, BROOKSIDE COTTAGE, KNAPTON, BIRLEY, HEREFORDSHIRE, HR4 8ER (AGENDA ITEM 17)

The receipt of a letter from a local Parish Councillor was reported.

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

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 - C02 (Approval of details) (A) Roofing material. (B) Exterior Wall Finish. (C) Window Design and Construction.

Reason: To safeguard the character and appearance of the Conservation Area.

- 3 - Notwithstanding the approved plans no roof lights will be inserted into the roof of the approved garden room.

Reasons: In order to protect the character of the existing dwelling and surrounding Conservation Area.

- 4 - The first floor window on the southwest elevation will be in obscure glazing and top hung.

Reasons: To protect the privacy of the adjoining neighbour to the south west of the application site.

- 5 - G01 (Details of boundary treatments)

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

- 5 - E01 Restriction on hours of working

Reason: To safeguard the amenities of the locality.

Informatives

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

- 2 - The applicants/developers are respectfully required to show consideration to the adjoining dwelling's amenity during construction and not to obstruct the pedestrian access to the property.

198. DCNW2005/0072/O - SITE FOR PROPOSED LOCAL NEEDS HOUSING AT DIS-USED FILLING STATION, ADJOINING THE OLD CARPENTERS SHOP, KINNERSLEY, HEREFORD, HEREFORDSHIRE, HR3 6QB FOR: MR & MRS P BISHOP PER MR A JENKINS 12 BROAD STREET HAY-ON-WYE HEREFORDSHIRE HR3 5DB (AGENDA ITEM 19)

The Northern Team Leader said that the Environmental Health Department had advised on conditions to deal with any contaminated land should the site be developed.

In accordance with the criteria for public speaking Lt Colonel Saville spoke on behalf of Kinnersley Parish Council in favour of the application.

The Sub-Committee considered the merits of the application which would provide affordable housing and enable an eyesore to be considerably improved. The Officers reaffirmed that the applicants had failed to identify a local need and had not sought support from a registered social housing provider. In view of this it was agreed that the application could not be supported but that the applicants be advised to seek such support if they wished to reapply.

RESOLVED: That planning permission be refused for the following reasons:

1. The proposal development is in open countryside outside any recognised settlement boundary. In the absence of an identified local need the proposal is considered to be contrary to Policy A2(D,iv), and Policy A48 Affordable Housing for Local Needs in Rural Areas of the Leominster District Local Plan.
 2. The application does not comply with criteria of Herefordshire Supplementary Planning Guidance on Provision of Affordable Housing in that no clear evidence of need for the proposed development has been submitted with the planning application.
 3. In the absence of adequate exceptional circumstances to justify the form of development as proposed in this application, residential development at this isolated location is regarded as an unsustainable form of development contrary to Policy A1 of the Leominster District Local Plan (Herefordshire), the emerging Policy S1 of the Herefordshire Unitary Development Plan (Revised) Deposit Draft and National Planning Policy Statement 7: Sustainable Housing in Rural Areas.
 - 4.
199. DCNW2005/0079/O - SITE FOR DWELLING AS PART OF EQUESTRIAN BUSINESS AT RIDGEWAY PADDOCKS, LUCTON, LEOMINSTER, HEREFORDSHIRE FOR: MR R. MATHIAS & MISS C.J. THOMAS MCCARTNEYS CORVEDALE ROAD CRAVEN ARMS SHROPSHIRE SY7 9NE (AGENDA ITEM 20)

RESOLVED

That consideration of the application be deferred pending a site inspection on the following grounds.

- (I) the character or appearance of the development itself is a fundamental planning consideration;

(m) a judgement is required on visual impact; and

(n) the setting and surroundings are fundamental to the determination or to the conditions being considered.

200. DCNE2004/3080/F - EXTENSION TO EXISTING ANNEXE TO PROVIDE TWO BEDROOM ACCOMMODATION AT ROYAL OAK INN, SOUTHEND, LEDBURY, HEREFORDSHIRE & DCNE2004/4327/L - AS ABOVE FOR: I P MARTIN PER C A MASEFIELD, BUILDING DESIGN SERVICES, 66-67 ASHPERTON ROAD, MUNSLEY, LEDBURY, HEREFORDSHIRE HR8 2RY (AGENDA ITEM 21)

RESOLVED: That
NE2004/3080/F

planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - C05 (Details of external joinery finishes)

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

- 4 - B01 (Samples of external materials)

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

- 5 - D01 (Site investigation – archaeology)

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

Informative:

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

DCNE2004/4327/L

Listed Building Consent be granted subject to the following conditions:

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

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

- 2 - C04 (Details of window sections, eaves, verges and barge boards)
Reason: To safeguard the character and appearance of this building of special architectural or historical interest.
- 3 - C05 Details of external joinery finishes)
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 4 - B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
- 5 - D01 (Site investigation – archaeology)
Reason: To ensure the archaeological interest of the site is recorded.

Informative:

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

201. DCNE2004/3402/L - REMOVAL OF WINDOW AND INSERTION OF DOORWAY WITH INTERIOR LOBBY TO RESTAURANT AT THE FEATHERS HOTEL, HIGH STREET, LEDBURY, HEREFORDSHIRE FOR: THE FEATHERS HOTEL PER MR N J TEALE, BRAMBLE FARM, NAUNTON UPTON UPON SEVERN, WORCESTERSHIRE WR8 0PZ (AGENDA ITEM 22)

RESOLVED: That the Sub-Committee is minded to approve the application subject to it not being called in by the Office of the Deputy Prime Minister and subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))
Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 - A09 (Amended plans)
Reason: To ensure the development is carried out in accordance with the amended plans.
- 3 - C04 (Details of window sections, eaves, verges and barge boards)
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 4 - C05 (Details of external joinery finishes)
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

Informatives:

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

202. DCNE2004/3889/F - PROPOSED TWO STOREY SIDE EXTENSION AT BUDDING COTTAGE, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TA & DCNE2004/3891/L - REMOVAL OF SINGLE STOREY LEAN-TO STRUCTURE AND PROPOSED TWO STOREY EXTENSION AT SAME ADDRESS.FOR: MR A G BUTCHER AT SAME ADDRESS (AGENDA ITEM 23)

RESOLVED: That
DCNE2004/3889/F

That planning permission be granted 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) (6th January 2005)

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 - B09 (Colour of cladding (extension))

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

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

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

6 - C06 (External finish of flues)

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

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
DCNE2004/3891/L

That Listed Building Consent be granted to the following conditions:

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

Reason: Required to be imposed by Section 18(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990.

2 - A09 (Amended plans) (6th January 2005)

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 - B09 (Colour of cladding (extension)

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

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

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

6 - C06 (External finish of flues)

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

Informatives:

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

203. DCNE2004/3988/F - PROPOSED EXTERIOR ACCESS TO REAR VIA STAIRWAY, TWO ROOF LIGHTS AND FLUE ON THE CIDER BARN AT CHURCH HOUSE, RECTORY LANE, CRADLEY, MALVERN, WR13 5LHFOR:MR DAVIES AT ABOVE ADDRESS. (AGENDA ITEM 24)

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 - Within one month of the date of this approval, the external flue shall be painted in a dark matt black colour to the written satisfaction of the Local Planning Authority and so maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity.

3 - A06 (Development in accordance with approved plans)

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

- 4 - Prior to the installation of the external staircase, sectional and elevational drawings at a minimum scale of 1:20 shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity.

- 5 - E15 (Restriction on separate sale) (ancillary accommodation) (Church House)

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

- 6 - E29 (Occupation ancillary to existing dwelling only (granny annexes))

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

Informatives

1. Reason(s) for the grants of PP/LBC/CAC

204. DCNE2004/3965/F - RETROSPECTIVE RELOCATION OF FENCE AT 8 HALLWOOD DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2FY FOR: MS M JOHNSON AT ABOVE ADDRESS. (AGENDA ITEM 25)

In accordance with the criteria for public speaking Ms Johnson spoke in favour of her application.

Councillor D.W. Rule one of the Local Ward Members spoke against the application because he was of the view that the fence was unsightly and spoiled the appearance of the area. He was concerned that it would detract from the open feeling of the development and lead to similar applications which would be to the detriment of the residential area. A motion that the application be refused was lost.

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

- 1 - Within one month of the date of this permission the fence hereby approved shall be stained with a colour details of which shall be submitted to and approved in writing by the local planning authority. There shall be no change in colour without the further written approval of the local planning authority.

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

- 2 - Within 3 months of the date of this approval, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. All proposed planting shall be clearly described with species, sites and planting numbers.

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

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

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

Informative:

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

205. DCNE2004/4078/F - PROPOSED RELOCATION OF BOUNDARY FENCE AT 51 HALLWOOD DRIVE, LEDBURY, HEREFORDSHIRE, HR8 2FYFOR:MR C BELL & MRS D J SWIFT AT SAME ADDRESS (AGENDA ITEM 26)

In accordance with the criteria for public speaking Mrs Orgee spoke against the application and Mr Bell spoke in favour.

Councillor D.W. Rule one of the Local Ward Members spoke against the application because he was of the view that the fence would be unsightly and spoil the appearance of the area.

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 - Before the development hereby permitted is commenced details of the proposed fence and colour shall be submitted and approved in writing by the local planning authority. The colour shall not be changed without the written approval of the local planning authority.

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

3 - G04 (Landscaping scheme (general))

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

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

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

206. DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT UNIT 16, COURT FARM BUSINESS PARK, BISHOPS FROME, WORCESTER, HEREFORDSHIRE, WR6 5AYFOR: W J HOLDEN & ASSOCIATES MICHAEL LATCHEM & ASSOCIATES 9 AYLESTONE DRIVE HEREFORD HR1 1HT (AGENDA ITEM 27)

RESOLVED

That consideration of the application be deferred pending a site inspection on the following grounds.

- (o) the character or appearance of the development itself is a fundamental planning consideration;

(p) a judgement is required on visual impact; and

(q) the setting and surroundings are fundamental to the determination or to the conditions being considered.

207. DCNE2005/0083/F - NEW DWELLING ON THE SITE OF EXISTING DOUBLE GARAGE AT THE GARDEN OF MELROSE HOUSE, 141 THE HOMEND, LEDBURY, HEREFORDSHIRE. HR8 1BP FOR:MR EVANS AT ABOVE ADDRESS. (AGENDA ITEM 28)

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - 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: In the interests of the visual amenities of the area.

5 - C05 (Details of external joinery finishes)

Reason: In the interests of the visual amenities of the area.

6 - H29 (Secure cycle parking provision)

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

7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 - The applicant or his agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards and to the satisfaction of the local planning authority.

Reason: To ensure that the archaeological interest of the site is investigated.

Informatives

N15 – Reason(s) for Grant PP/LBC/CAC

208. DCNE2005/0108/F - TWO STOREY EXTENSIONS TO FRONT, REAR AND SIDE OF DWELLING AT BRAMLEIGH, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EY FOR: MR & MRS G WILLIAMS PER MR R PRITCHARD THE MILL KENCHESTER HEREFORD HR4 7QJ (AGENDA ITEM 29)

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

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

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

- 2 - A06 (Development in accordance with approved plans)

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

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

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

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

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

- 5 - E17 (No windows in side elevation of extension)

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

Informative:

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

The meeting ended at 4.55 p.m.

CHAIRMAN

4. NORTHERN AREA PLANNING SUB-COMMITTEE

23RD MARCH 2005

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNC2004/2709/F**

- The appeal was received on 3rd March 2005
- 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 Mrs L Woodfield
- The site is located at Land at Croft Lane, Luston, Nr Leominster, Herefordshire
- The development proposed is Proposed 3 log cabins for holiday accommodation (transportable).
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas 01432 383093**Application No. DCNC2004/3986/A**

- The appeal was received on 8th February 2005
- 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 Primelight Advertising Limited
- The site is located at Somerfield, Dishley Street, Leominster, Herefordshire, HR6 8NY
- The development proposed is Proposed 1 x single sided advertising display unit
- The appeal is to be heard by Written Representations

Case Officer: Russell Pryce on 01432 261957**Application No. DCNC2004/3394/F**

- The appeal was received on 10th February 2005
- 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 Mrs L Gore
- The site is located at Southley Barn, -, Woonton, Leominster, Herefordshire, HR6 0HL
- The development proposed is Single storey and two storey extensions
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 383093**APPEALS DETERMINED****Application No. DCNC2004/0407/F**

- The appeal was received on 11th June 2004

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

4. NORTHERN AREA PLANNING SUB-COMMITTEE

23RD MARCH 2005

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions
- The appeal was brought by P Shock
- The site is located at Former Magistrates Court, 15-17 Burgess Street, Leominster, Herefordshire, HR6 8DE
- The application, dated 3RD February 2004, was refused on 31st March 2004
- The development proposed was Change of use and minor alterations to form two no. dwellings
- The main issue is whether having regard to highway safety considerations, the condition is necessary.

Decision: The appeal was ALLOWED on 15th December 2004

Case Officer: Mark Tansley on 01432 261956

Application No. DCNC2003/3212/F

- The appeal was received on 20th April 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs D. Farrell
- The site is located at Dovedale, Ullingswick, Hereford, Herefordshire, HR1 3JQ
- The application, dated 23rd October 2003, was refused on 9th January 2004
- The development proposed was Two-storey rear extension and conservatory
- The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

Decision: The appeal was UPHeld on 30th December 2004

Case Officer: Duncan Thomas on 01432-383093

Application No. DCNW2004/0560/F

- The appeal was received on 8th July 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs S Grist
- The site is located at 1 Upper Lodge, Monnington-on-Wye, Hereford HR4 7NL
- The application, dated 16th February 2004, was refused on 8th April 2004
- The development proposed was Demolish part of existing extensions and rebuild.
- The main issue is that the nearby Pine tree would suffer much damage to it's roots

Decision: The appeal was DISMISSED on 28th February 2005

Case Officer: Simon Withers on 01432-261781

Application No. DCNE2004/3191/F

- The appeal was received on 19th November 2004

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

4. NORTHERN AREA PLANNING SUB-COMMITTEE

23RD MARCH 2005

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Ms K M Berry
- The site is located at Land adjacent to Melrose, 4 The Crescent, Colwall, Malvern, WR13 6QN
- The application, dated 4th September 2004, was refused on 29th October 2004
- The development proposed was Erection of detached bungalow
- The main issue is that the proposal would be far too imposing upon the current surrounding properties in the immediate area

Decision: The appeal was DISMISSED on 28th February 2005

Case Officer: Ed Thomas on 01432 261795

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

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

**6 DCNC2004/2250/F - QUAD BIKING TRACK AND
PAINTBALLING AREA AT BODENHAM MANOR,
BODENHAM, HEREFORD, HR1 3JS**

**For: Mr P Williams per Hook Mason, 11 Castle Street,
Hereford, HR1 2NL**

Date Received:

21st June 2004

Ward:

Hampton Court

Grid Ref:

52691, 51462

Expiry Date:

16th August 2004

Local Member: Councillor K Grumbley

Introduction

This application was deferred at the last meeting of the Sub-Committee for a site visit.

1. Site Description and Proposal

- 1.1 Bodenham Manor is located on the north side of the C1121, in open countryside designated as being of Great Landscape Value and in the Bodenham Conservation Area.
- 1.2 This is a retrospective application for a quad biking track, and paintballing area which is enclosed by green netting and in woodland just to the rear of Bodenham Manor.

2. Policies**Leominster District Local Plan**

A1 – Managing the District's Assets and Resources
A9 – Safeguarding the rural landscape
A10 – Trees and woodland
A21 – Development with Conservation Areas
A38 – Rural Tourism and Recreational Activities
A54 – Protection of Residential Amenity

Hereford and Worcester County Structure Plan

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

Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA2 – Landscape Character and Areas Least Resilient to Change
HBA6 – New Development within Conservation Areas
RST1 – Criteria for Recreation, Sport and Tourism Development

PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment
PPG17 – Sport and Recreation

3. Planning History

None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection.

4.3 Conservation Manager - No in principle objection.

4.4 Head Environmental Health and Trading Standards - No objection.

4.5 Public Rights of Way Officer - No objection.

4.6 Landscape Officer - No in principle objection.

5. Representations

5.1 Bodenham Parish Council strongly object to this application as it considers the nature of the activities proposed to be totally inappropriate in such a sensitive area. This view is fully endorsed by various national and local designations (Area of Great Landscape Value, Conservation Area, SSSI and SWS) covering the site and adjacent areas. It is also in direct conflict with development plan policies designed to protect such sensitive areas from adverse impact of just this type of proposal. It is felt that activities have a damaging effect on resident fauna and on the quiet enjoyment of visitors to Bodenham Lake's Nature Reserve by reason of noise and disturbance.

5.2 Nine letters of objection have been received from local residents.

a) The activities have been and continue to be a source of offensive language, noise and disturbance.

b) This is an inappropriate activity to this residential neighbourhood and Conservation Area, it is on the top of a hill

c) Paint balling sounds like constant gun fire.

d) intolerable noise nuisance

e) The activities operate 7 days a week and therefore no respite from constant noise.

- f) Trees have appeared to have been removed contrary to Policy A10
- g) Why does Bodenham require another paint balling venue when one was already within the Parish?
- h) Increased traffic through the village has caused problems with speed and minor collisions.
- i) The proposal does not provide stimulation or employment for the local people.
- j) No regard has been given to local people. No generation of wealth for the local economy
- k) The location of the venue makes it extremely difficult for emergency services to access (Air Ambulance)

5.3 The applicant has said:

- a) This application seeks to formalise leisure uses on the site to include both quad biking and paint balling activities.
- b) The quad biking track has been laid out to use with straw bales and is surrounded by mature trees providing both privacy and sound attenuation to the surrounding area.
- c) The quad biking consists of groups of a group of 10 bikes at any one time driving around the track and is supervised by three instructors. Competative racing is not undertaken. The bikes are between 90-125cc and service and storage will be carried out in a building to the east of Bodenham Manor.
- d) The paint balling activities are held in the area to the north of Bodenham Manor as shown on the submitted plan and is secluded being within a densely wooded area. Between 8 - 25 persons may be involved with the paint balling activity at any time depending on the group requirements.
- e) Both activities are aimed at corporate or family clients using Bodenham Manor are intended to be used during daylight hours only.
- f) As you are aware from previous correspondence with your officers we have shown that the quad biking is undertaken on site for many years and a track established itself approximately in 1990 when a previous company ran courses at the 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 application has been submitted following complaint to and investigation by the Enforcement Officer, that the grounds of Bodenham Manor are being used for both quad biking and paint balling activities without the benefit of planning permission.

- 6.2 The determining factor in this application is a nuisance to neighbours from noise arising from the activities. The Environmental Health Officers have visited the site on numerous occasions to monitor the uses from outside the grounds of Bodenham Manor to assess the harm to neighbours, and concludes they do not cause significant nuisance to residential amenity.
- 6.3 In so far as its visual impact on the locality is concerned, the Landscape Officer advises the uses which are self contained within a woodland just to the rear of Bodenham Manor do not harm the acknowledged visual qualities of the area.
- 6.4 In exercising its development control function within Conservation Areas, the Council must give special attention to the desirability of preserving or enhancing the character or appearance of the area. In terms of its impact on the Conservation Area the Conservation Manager acknowledges the site forms an attractive backdrop to the village, and raises no in principle objection to the continued use of Bodenham Manor for quad biking, and paint balling.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **The uses hereby permitted shall be restricted to those areas shown on the amended plan received and date stamped 22 September 2004.**
Reason: In order to define the permission.
- 2. **E03 – Restrictions of opening hours (6.00 pm and 10.00 am)**
Reason: In the interests of the amenities of existing residential property in the locality.
- 3. **G10 – Retention of trees**
Reason: In order to preserve the character and amenities of the area.

Informatives

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCNC2004/2651/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST. BOTOLPH'S GREEN/SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE

For: Westbury Homes (Holdings) Ltd per Mr G Brockbank Hunter Page Planning Ltd Thornbury House 18 High Street Cheltenham GL50 1DZ

Date Received:

19th July 2004

Ward:

Leominster South

Grid Ref:

49739, 57888

Expiry Date:

13th September 2004

Local Member: Councillors R Burke and J P Thomas

This application was deferred at the last meeting of the Northern Area Planning Sub Committee to allow a site inspection to be undertaken. The report has also been updated.

1. Site Description and Proposal

- 1.1 The site is located north of Southern Avenue at the southern fringes of Leominster Town. To the west is the recently completed St Botolph's residential estate which will be used to gain vehicular access to the site. To the north is largely garden land associated with a nearby dwelling. East and south are existing industrial units forming part of Southern Avenue Industrial Estate. Ground levels fall from west to east within the site, the boundaries being relatively open other than the northern boundary where there is a relatively mature hedge.
- 1.2 The site lies within the settlement boundary for Leominster Town as identified in the Leominster District Local Plan and is specifically allocated both within the Local Plan and forthcoming Unitary Development Plan for employment purposes. Public Footpath ZC101 runs along the southern and eastern boundaries of the site with part of the footpath crossing the south-eastern corner and the majority of the site falls within the flood plain identified by the Environment Agency as a Flood Zone 1 category area.
- 1.3 The application proposes the construction of 44 dwellings, with 12 house designs, 35% of which (15 units) are affordable dwellings to be managed by a registered social landlord. The composition of houses is as follows:

Open market housing 9 four-bedrooms, 17 three-bedrooms, 3 two-bedrooms
Affordable housing: 7 three-bedrooms, 4 two-bedrooms, 4 one-bedroom

All of the open market housing has at least a single garage with one off-street parking space, and parking for the affordable housing is in the form of open plan parking with additional secure cycle storage. It is also proposed that the existing equipped play area be relocated to within the site with a new pedestrian link from the existing estate, along with the provision of a small equipped play area for children over the age of 7.

2. Policies**2.1 National Policies**

- PPS1 – General policy and principles
- PPG3 – Housing
- PPG4 – Industrial and commercial development and small firms

2.2 Hereford and Worcester County Structure Plan

- CTC9 – Development requirements

2.3 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2 – Settlement hierarchy
- A14 – Safeguarding water resources
- A15 – Development and water courses
- A23 – Creating identity and an attractive built environment
- A24 – Scale and character of development
- A27 – Maintaining the supply of employment land on industrial estates
- A47 – Targets for housing land
- A49 – Affordable housing on larger housing sites
- A54 – Protection of residential amenity
- A55 – Design and layout of housing development
- A64 – Open space standards for new residential development
- A65 – Compliance with open space standards

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable development
- S2 – Development requirements
- S3 – Housing
- S4 – Employment
- S6 – Transport
- S8 – Recreation, sport and tourism
- S11 – Community facilities and services
- DR1 – Design
- DR2 – Land use activity
- DR3 – Movements
- DR4 – Environment
- DR5 – Planning obligation
- DR7 – Flood risk
- DR11 – Noise
- H3 – Managing the release of housing land
- H9 – Affordable housing
- H13 – Sustainable residential design
- H15 – Density
- H16 – Car parking
- H17 – Open space requirement
- E5 – Safeguarding employment land and building
- T1 – Public transport facilities
- T6 – Walking
- T7 – Cycling

RST1 – Criteria for recreation, sport and tourism
RST3 – Standards for outdoor playing and public open space

3. Planning History

NC2002/2418/F - Construction of control kiosk (for waste water pumping station) with fence around and access road to pumping station compound. Approved 27th September 2002

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The Environment Agency objects to the proposed development as the site is located with Flood Zone 1 and the development may present a significant flood risk through the generation of surface water run off. The application is not accompanied by a flood risk assessment, as required by PPG25. A full response will be provided on the application upon receipt of satisfactory surface water details as part of the flood risk assessment.
- 4.2 Welsh Water: No objection raised subject to condition concerning the control of foul and surface water.
- 4.3 River Lugg Internal Drainage Board: No objection subject to control over the surface water drainage runoff.

Internal Council Advice

- 4.4 Traffic Manager: No objection raised generally to the road and footpath layout and parking provision, but the proposed cycle storage facilities seem to be poorly thought out and a bit of an afterthought.
- 4.5 Public Rights of Way Manager: Public Footpath ZC101 runs across the proposed development site. A Public Footpath Diversion Order must therefore be confirmed and certified before the development is substantially complete. Also, the maximum height of any fencing shall be no greater than 2m along the footpath to prevent a tunnel effect, in the interest of public safety and enjoyment of the public footpath.
- 4.6 Strategic Housing will be seeking the full 35% affordable housing element as per the Supplementary Planning Guidance provision of affordable housing, i.e. 15 affordable housing units with a mix of tenure types managed by a Registered Social Landlord.

The location of the affordable units will need to be agreed by the Local Planning Authority and the RSL. The developer has not yet selected a RSL although a number of the preferred partner associations have been approached. Affordable housing must also meet the current Housing Corporation Scheme development standards and lifetime homes standards. The Section 106 Agreement accompanying any planning permission must include for these requirements and also that the affordable homes be available to future as well as initial occupants and that they will be allocated through Home Point Herefordshire.

The scheme is supported in principle by Strategic Housing but that support is subject to the above provisos.

- 4.7 Head of Environmental Health and Trading Standards: 'I would express concerns regarding this application as the BS4142 Noise Assessment indicated that the power wash and vacuum cleaner of Bengry Motors are likely to give rise to complaints, particularly to the property on the south-western corner of the site.'

The properties along the southern boundary adjacent to Southern Avenue are likely to be affected by traffic noise from Southern Avenue. The use of suitable glazing, provision of acoustic ventilators to habitable rooms at ground and first floor to insulate against noise and the provision of a close boarded fence are likely to be sufficient to reduce noise to an acceptable level.

I am satisfied that providing no houses adjacent to the eastern boundary have windows facing eastwards along with the proposed 2m close boarded fence will be adequate to reduce the noise level to below 55 dB.'

- 4.8 Parks Development Manager: 'I am concerned that the proposed development is very dense and does not provide sufficient open space or play facilities for the potential number of users. If planning consent is granted for this development, I feel it would be appropriate to ask for the provision of off-site facilities that children from these new houses might travel to use. The most beneficial use of such a donation would be towards a skate park for Sydonia or, if this is not forthcoming, Herefordshire Council could use the money to provide equipment other than skate ramps for older children at Sydonia.'
- 4.9 Landscape Officer: 'I have no objection to the development but do require details of the play area, particularly the entrances and circulation within it. I recommend that more trees should be incorporated into the planting scheme for the play areas given that there is such limited opportunities for tree planting on the rest of the development. Fruit trees would be suitable.'
- 4.10 Head of Economic Development:: Objects to the application due to the loss of employment land.
- 4.11 Drainage Engineer: 'Details of drainage is required to avoid flooding of Southern Avenue/Castlefields Estate and to attenuate flows to Kenwater/Lugg, Wye, etc.'
- 4.12 Head of Planning Policy: The development site is located within the settlement boundary for Leominster on land identified as an industrial estate, protected for use through Policy A27 within the Leominster District Local Plan. This policy seeks to ensure that such land brought forward to accommodate Part B industrial uses is retained for that purpose in order to maintain a supply of land available for industry. Clearly the proposal is contrary to this policy.

However, development should be considered within the context of what the policy is seeking to achieve, i.e. ensuring that there is an adequate supply of serviced employment land. Advice in PPG3 requires authorities to consider loss of employment land for housing when this land cannot realistically be taken up in the quantities envisaged over the lifetime of the Development Plan. In terms of employment land supply and take up rates in Leominster, the latest figures suggest that there will be an over-supply of employment land at the end of the Plan period (Draft Herefordshire Employment Land Study 2004). The site is also included within the study conducted by West Midlands Employment Land Advisory Group on long-standing employment sites. It concluded that proposals for employment development were limited as the owners are seeking a higher value use of the land, the Leominster Enterprise Park is

meeting demand for employment land and that the employment development might be out of conformity with some surrounding uses. For these reasons, the principle of housing development in this location could be acceptable.

Other issues that need to be addressed are:

1) The development does not include any form of buffer between the proposed residential development and adjacent employment uses. PPG4 and Policy A28 of the Local Plan state that Local Authorities should carefully consider that their proposals for new development might be incompatible with existing industrial and commercial activities. Policy A28 suggests a 12m buffer zone would normally be sought for sites adjacent to residential areas. It would be reasonable to expect such a buffer zone in order to protect the amenity of the residents.

2) Policy A65 of the Local Plan suggests that developments of greater than 30 family dwellings should provide small children's/infants' play spaces along with older children's informal play areas. Where these can't be provided on site, financial contributions to such a provision may be made. These requirements should be for both the proposed development site and the existing site as the play area is proposed to be relocated to within the current application site. Whilst the provision of equipped play area and older person's informal play area is made, it is some way short of reaching the suggested sizes in the Local Plan. The location of the play area is also of concern as it is some distance away from the existing estate which it would also be serving. Details for the arrangements for the provision of a play area during the construction phase should also be sought.

4.13 Director of Education: 'We confirm that we will be looking for a contribution from the developers. The associated schools for the development would be Leominster Infants, Leominster Juniors and the Minster College. Additional children in the area would prevent us from moving temporary classrooms at Leominster Infants that we would otherwise be able to do, and therefore would be looking for a contribution towards improvements at this school, in particular.'

5. Representations

5.1 Leominster Town Council: 'Recommend refusal, as the Leominster District Local Plan and Draft UDP show the land as being outside the settlement boundary and designated for light industrial use.'

5.2 Six letters of objection have been received including a letter submitted by St Botolph's Residents Committee and signed by 35 residents. The main points raised are:

1) The use of the existing estate for all traffic including construction traffic will be dangerous, as the estate road is not suitable to accommodate the likely traffic. All traffic should utilise the proposed alternative access via Southern Avenue.

2) The loss of the play space to allow vehicular access to the site is totally unacceptable both in terms of the fact that children will no longer have a playground, and the safety issues with the play space being sited alongside the construction access. Land should be set aside before the start of build for a large enough area for both a young children's playground and for older children to play football on.

3) The parking provision is inadequate. The existing estate already suffers from congestion due to lack of parking and there being no visitor parking available.

- 4) The speed limit should be reduced on Hereford Road down to 30mph due to its residential status along with additional signs saying 'Children and play area'.
 - 5) The existing footpath at the eastern end of the site should be upgraded allowing faster access to the nearest shops and Minster School.
 - 6) We are concerned that a 3-storey dwelling is proposed close to our boundary invading our privacy and amenity. We have no objections to a 2-storey dwelling being built on the plot.
 - 7) If permission is approved, the new site compound should be located so as to minimise the noise, dust and dirt for residents.
 - 8) The narrowing of the roads to reduce the speed and generally calm down traffic is a good idea in principle but when 2 cars meet I am concerned whether there is sufficient space to allow them to pass particularly with on street parking.
 - 9) The play space is inadequate and inappropriately located. A larger area of open space should also be provided for older children to play. Any play equipment should be phased with the development rather than being built at the very end.
 - 10) The developers are not incorporating any of the existing trees as part of the development. Many trees are presently an attraction for wildlife, including buzzards, hawks and other birds.
 - 11) Not enough thought has been given to the needs of the present and future residents of this estate and it is merely a question of squeezing the maximum number of properties into the space with no regard for people's future quality of life and happiness in their surroundings. I question whether profit should outweigh these important considerations.
 - 12) Alexander & Duncan, Agricultural Engineers, ajoin the eastern boundary who operate 7 days a week often from dawn to dusk involving large and noisy machines serving the agricultural community. They also operate an outdoor tannoy system which covers their entire site for communication purposes and are fully alarmed through the night.
- 5.3 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration with this application are:

- 1) The principle of development
- 2) Amenity issues
- 3) Density, layout and design
- 4) Open space requirements
- 5) Other material considerations

- 1) The principle of development
- 6.2 The applicants have provided a detailed supporting document which includes a design statement and a policy assessment, particularly with reference to the principle of development on the site.
- 6.3 Policy A27 of the Leominster District Local Plan and Policy E5 of the Draft UDP specifically outline that the change of use of allocated employment sites to non-employment uses such as residential, will not be permitted. As such, the development is contrary to both the Local Plan and Draft UDP policy in this regard. Housing and employment allocations generally coincide with the life of any particular Development Plan. Planning Policy Guidance Note 3 indicates that such allocation should be reviewed periodically to assess whether land allocated for employment is likely to be realistically taken up in the quantities envisaged over the lifetime of the Development Plan.
- 6.4 Paragraph 42 states in particular that Local Planning Authorities should review all their non-housing allocations when reviewing the Development Plan and consider whether some of this land might be better used for housing or mixed use developments. Paragraph 42a of the Draft Revision to PPG3, dated September 2003, goes a stage further and suggests that applicants may expect an expedient and sympathetic handling of planning proposals on land allocated for industrial or commercial use in Development Plans but which is no longer needed for such use.
- 6.5 Based on information provided by the Draft Herefordshire Employment Land Study 2004 and a further study conducted by West Midlands Employment Land Advisory Group, there is likely to be an oversupply of employment land in Leominster up to and beyond the end of the Plan period (2011). Furthermore, the study reveals that the application site is unlikely to become available for employment purposes due to the owner's desire for higher land value. The short / medium term employment land supply is satisfactorily provided by other areas of the existing industrial estates and the new Leominster Enterprise Park.
- 6.6 The site cannot be regarded as brownfield or previously developed land and therefore the normal sequential test outlined in PPG3 for the release of housing land does not necessarily apply to this site. Nevertheless, both PPG1 and PPG3 promote a planning framework, which should be supportive of development in sustainable locations where the need to travel is minimised. In this regard, although sited on the fringes of Leominster Town, the site is within walking distance of the Infants School, Junior School and Minster College and has good footpath and bus links with the town and therefore access to all the basic facilities and amenities whilst also being close to employment base. Therefore, although not brownfield land, the site is satisfactorily sustainable for the purposes of residential development.
- 6.7 If the principle of the loss of an employment site is accepted, the need for additional housing within Leominster must also then be considered. The Herefordshire Housing Land Study 2003 outlines anticipated and actual completions and it identifies that Leominster has achieved just 14% of anticipated dwellings in 2000-2006 (61 of 336). Therefore, notwithstanding the allocations outlined in the UDP such as the 400 houses at the Barons Cross site, the need for additional housing over the Plan period is anticipated based on current trends.

6.8 To conclude, the development of the site will be contrary to both local and emerging employment policies within the Development Plans. However, these policies must also be weighed against other guidance contained within Planning Policy Guidance and up-to-date employment and housing needs surveys. As these surveys indicate an over-supply of employment land in Leominster whilst at the same time identifying a likely need for further housing and given the sustainable location of the site, the principle is accepted.

2) Amenity issues

6.9 The applicants have undertaken several revisions of the plans to take on board the concerns of residents with regard to the impact of the development on existing properties along the western boundary. The proposed layout now safeguards a satisfactory level of privacy and amenity for the existing residents.

6.10 As the site is bordered by existing industrial premises to the east and a busy estate road with further industrial units to the south, the impact of any potential noise sources on the amenity of the occupants of the proposed dwellings must also be considered. In this regard, the applicants have submitted a noise report, which includes actual and predicted noise readings. The findings of this report have been assessed by Environmental Health, the conclusion being that with the exception of property 39 in the south-western corner of the site, potential noise levels can be controlled to a satisfactory level through various measures including provision of a 2m high close-boarded fence along the boundaries, restriction on number of windows on elevations bordering industrial units and the use of acoustic ventilators to habitable rooms at ground and first floor of the most affected properties. The noise report suggests that plot 39 (south-western corner) is likely to be subject to unacceptable noise levels from Bengry's Car Wash immediately to the south. However, given that there are newly constructed properties within a similar proximity to this car wash and no complaints of noise have been generated, the situation is considered acceptable.

3) Layout, density and design

6.11 The layout has been amended on several occasions to accommodate concerns expressed by residents and your officers. It is now believed that the presented layout achieves an interesting and coherent residential environment complementing the adjoining residential estate and the character of Leominster generally. The layout incorporates a home zone area where pedestrians and vehicles have equal priority and other measures such as reduced road widths, on-street parking, contrasting shared services and the use of the street furniture and trees all go towards creating a more an informal layout whilst also reducing the speed of vehicles making a safer pedestrian environment.

6.12 The proposed density equates to around 36 dwellings per hectare which is in line with both Development Plan policies and PPG3 guidance. However, the density is likely to appear higher due to the number of detached and semi-detached properties, the siting of some properties directly fronting the road, and the height with a numbering being 2½ storey. Such arrangements of properties can be found elsewhere in Leominster and is not considered unacceptable. The designs will largely be similar to the existing St Botolph's estate with 12 different house designs proposed. This mix of house types along with the use of a different palette of materials and subtle changes in the detailing, will give the development its own identity complementing the local vernacular evidenced elsewhere in Leominster.

4) Open space provision

6.13 The applicant proposes to relocate the existing play area to within the application site along with additional soft landscaping around. As such, there will no longer be an infants' play area within the existing estate. In addition, an equipped play area for ages 7+ is to be provided on the eastern boundary of the site. No casual amenity or open space of any note is proposed. Whilst the equipped play area and over 7's provision is welcomed, the proposed provisions fall a long way short of that which is recommended both within the Local Plan and the UDP, particularly given that the necessary provision must be viewed in conjunction with the existing estate, now completed. The applicants have been reluctant to enlarge the open space provision. Therefore, in view of the short fall, a financial contribution is required to be used towards the provision of a new skate park at Sydonia in central Leominster. Such a contribution will be submitted to Herefordshire Council by way of legal agreement.

5) Other material planning considerations

6.14 Concerns have been expressed by residents regarding the proposal to provide access to the site through the existing estate. Whilst Highways raise no objection to this, the applicants have taken on board the concerns and propose to provide the principal access to the site via Southern Avenue with the currently proposed site access being restricted for pedestrian use only through the use of bollards. However, as this entails land outside of the application site, this would be subject to a separate application should permission be given for the development.

6.15 The Environment Agency maintain their objection to the proposal, as the applicant has not undertaken a flood risk assessment. The site lies within Flood Zone 1 (the lowest flood risk category) where the primary flood risk issue proposed by new development is as a result of surface water runoff. Therefore, full surface water drainage details are required to assess the suitability of the drainage arrangements and the potential effects they will have on the flood plain. Whilst this is unlikely to present a reason for withholding permission, further information is required before an assessment can be made.

6.16 The Public Rights of Way Manager has commented that a public footpath runs along the southern and eastern boundaries of the site and in fact crosses the south-eastern corner. As such, a formal Diversion Order will be required. The existing footpath along the eastern boundary is currently unsurfaced, overgrown with vegetation in parts and is not floodlit. Therefore, part of the S106 agreement will also incorporate the upgrading of this footpath to make it more user friendly.

6.13 The development also incorporates the construction of 15 affordable dwellings equating to a provision of 35.4%. Leominster Housing Needs Survey 2003 and Home Point Herefordshire estimated a net total requirement of 143 units within Leominster. Therefore, the provision of the units on this site is welcomed. The tenure is likely to comprise a mixture of rented, supported housing and shared ownership, all managed by a Registered Social Landlord. The precise mix of house types and sizes is yet to be agreed but will be finalised through the preparation of the legal agreement should permission be approved.

6.17 The Director of Education has also identified that the proposed development is likely to result in greater pressure on the existing school facilities in the locality, which are all less than 800m away. As a result, a financial contribution towards improved facilities will also be required and will form part of the legal agreement. However, this

matter is still being negotiated and therefore the precise extent of the contribution is yet to be agreed.

Summary

- 6.18 The development site lies within the settlement boundary for Leominster that is presently allocated for employment purposes both within the Local Plan and Unitary Development Plan. However, sufficient evidence has been provided to demonstrate that there is an over-supply of employment land for Leominster for the Plan period and that at the same time there is likely to be the need for further dwellings. In view of this, the principle is accepted. Overall, the development is considered satisfactory subject to the concerns of the Environment Agency being addressed and other minor details such as secure cycle storage and noise attenuation measures being agreed.

RECOMMENDATION

Subject to the objection from the Environment Agency being addressed and overcome:

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 for**
 - **the provision of 15 affordable dwellings,**
 - **a financial contribution for education,**
 - **a financial contribution of £35,000 towards provision of on and off site play equipment,**
 - **the upgrading of Footpath ZC101 to Section 38 standard for a distance to be agreed**

and any additional matters and terms that she considers appropriate.

- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

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

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

- 2 - **A09 (Existing plans to be clarified) (And amended plans) (31 January 2005)**

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

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

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

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

Reason: To protect the amenity of local residents.

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

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

6 - E16 (Removal of permitted development rights) (delete 'fences, gates, walls, and dormer windows)

Reason: To enable the LPA to maintain control over further development on the site to prevent overdevelopment.

7 - F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

8 - G02 (Landscaping scheme (housing development))

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

9 - G03 (Landscaping scheme (housing development) - implementation)

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

10 - G09 (Retention of hedgerows) ('boundary hedgerows')

Reason: To safeguard the amenity of the area.

11 - Various standard highway conditions concerning road construction, road and pavement surfacing, parking provision, etc.

12 - Drainage conditions as necessary and supported by the Environment Agency

13 - G30 (Provision of play area/amenity area)

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

14 - G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped.

15 - H27 (Parking for site operatives)

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

16 - H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCNC2004/3698/F - PROPOSED THERAPEUTIC RIDING CENTRE COMPRISING INDOOR AND OUTDOOR ARENAS WITH ASSOCIATED FACILITIES, STABLE YARD AND HAY STORE AT WHARTON BANK FARM, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX For: Herefordshire Riding for the Disabled per David Taylor Consultants, The Wheelwright's Shop, Pudleston, Leominster, Herefordshire, HR6 0RE

Date Received:
26th October 2004

Ward:
Leominster South

Grid Ref:
50619, 55511

Expiry Date:
21st December 2004

Local Member: Councillors R Burke and J P Thomas

This application was deferred at the meeting of the Northern Area Planning Sub Committee on 23rd February 2005 to allow members to undertake a site inspection. The report has been updated in light of additional representations received.

1. Site Description and Proposal

- 1.1 The site lies to the west of the B4361 in the small hamlet of Wharton/Ford Bridge, approximately 1.5 miles south of Leominster Town. The site forms part of the former agricultural holding known as Wharton Bank and was formerly used as a silage clamp. Immediately to the east are a range of additional agricultural buildings which are now being converted into private residences. Beyond these are a number of detached and semi-detached properties sited linearly between the road and the main Hereford-Shrewsbury railway line. Ground levels are relatively uneven both within and surrounding the proposed area to be developed with the site being elevated above the nearby main road.
- 1.2 The site lies within the open countryside with the landscape being designated as an Area of Great Landscape Value and also described as a Principal Wooded Hills landscape within the Landscape Character Assessment. To the north and running through the site is footpath/bridleway No. ZC82 and much of the land to the east is designated as falling within the flood plain and is an Environment Agency classification Flood Zone 1.
- 1.3 The application has been submitted by Herefordshire Riding for the Disabled who are a registered charity. It comprises the construction of a bespoke building to be used as an indoor riding arena measuring 75m in length x 45m in width x 9m in height to the ridge of the roof. The indoor arena building will also incorporate a terraced seating area, staff facilities including kitchen, toilets, conference room, teaching rooms, volunteers room and manager's office with a principal entrance and reception area in the form of an octagonal two-storey tower. Also attached to the arena building by way of the vehicle width link is a stable yard development comprising 19 loose boxes with

ancillary facilities such as office, tack room, feed store and toilets. To the rear (west) of the main buildings is an outdoor manege measuring 40m in length x 30m in width along with a further open-sided agricultural building to be used for the storage of hay of 15.5m in length x 10m in width x 9m in height. An existing access off the B4361 is to be utilised with a new access track to be constructed along with various hard and soft landscaping and a reed/willow bed foul drainage system.

2. Policies

2.1 National Policies

PPS7 – Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

E6 – Commercial development in rural areas

CTC2 – Areas of Great Landscape Value

CTC6 – Landscape features

CTC9 – Development requirements

A1 – Development on agricultural land

A2 – Diverse agricultural diversification

A3 – Agricultural buildings

LR1 & LR2 – Leisure and recreational development

2.3 Leominster District Local Plan (Herefordshire)

A1 – Managing the district's assets and resources

A2 – Settlement hierarchy

A9 – Safeguarding the rural landscape

A12 – New development and landscape schemes

A15 – Development and watercourses

A16 – Foul drainage

A35 – Rural employment and economic development

A38 – Rural tourism and recreational activities

A41 – Protection of agricultural land

A42 – Agricultural buildings

A45 – Diversification on farms

A61 – Community, social and recreational facilities

A66 – Access for the disabled

A70 – Accommodating traffic from developments

A78 – Protection of Public Rights of Way

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable development

S2 – Development requirements

S7 – Natural and historic heritage

S8 – Recreation, sport and tourism

DR1 – Design

DR2 – Land use and activity

DR3 – Movements

DR4 – Environment

E11 – Employment in small settlements in open countryside

E13 – Agricultural and forestry development

E15 – Protection of green field land
LA2 – Landscape character and areas least resilient to change
LA6 – Landscaping schemes
RST1 – Criteria for recreational sport and tourism development
RST6 – Countryside access
S11 – Community facilities and services

3. Planning History

NC2003/3508/S - Re-stoning existing farm track. Prior approval not required 22.12.03.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: 'The site lies within Flood Zone 1 where the primary risk to flooding is generated by surface water run off. The Agency therefore expects the use of Sustainable Urban Drainage Systems and recommends a condition concerning prior agreement of surface and foul drainage systems.'

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions concerning improved visibility from the access and the provision of suitable parking and vehicle manoeuvring area.
- 4.3 Public Rights of Way Manager: The development is not acceptable as it will obstruct Public Bridleway ZC82. A Division Order is required to enable the development to be carried out, which must be confirmed and certified before the development is substantially complete.
- 4.4 Head of Forward Planning: The application fails to meet the criteria laid out in Policies A1, A2 and A9 of the Leominster District Local Plan. The scale and design of the proposal would be harmful to the AGLV and the location would generate car journeys. There may be exceptional circumstances under Policy A2 that could permit this development.
- 4.5 Head of Environmental Health and Trading Standards: No objection subject to conditions concerning restriction on operating hours during the construction phase and control over the disposal of stable waste.
- 4.6 Landscape Officer: Comments predominately included within officers appraisal but conclude with 'I recommend that permission be refused for this development because it would have a harmful effect on the AGLV and would thus be contrary to policy A9 of the Leominster District Local Plan (1999)'

5. Representations

- 5.1 Leominster Town Council: Recommend approval.
- 5.2 One letter of objection has been received from Ian and Linda Hamilton, Cook's Folly, Wharton. The main points raised are:
- 1) Wharton Bank Farm has been developed into a housing estate. We are continually plagued by the obnoxious smell from Wharton Court and we are now faced with the

prospect of a riding school adjoining our land. Surely this small hamlet of Wharton has been developed enough.

2) There have been 3 accidents in the last 3 years within 100 yards of Cook's Folly. The proposed entrance to the development will be very close to a blind bend and the increase in traffic is likely to increase the number of accidents.

3) We are concerned with the noise generated by a complex of this size.

4) The visual impact of the development will be an eyesore on the beautiful natural landscape.

5) We are concerned the development will lead to increased risk of flooding by surface water run off.

5.3 32 letters of support have been received. These include letters from Herefordshire NHS Integrated Learning Disability Service, The Martha Trust, Hereford, SCOPE - for people with cerebral palsy, local specialist schools such as Barrs Court School, Stable Cottage Care Home, Bishop of Hereford's Bluecoat School, and Social Services and Housing Department of Herefordshire Council. Supporting information has been provided by the applicants and their agent, which will be referred to in the officer's appraisal.

The main points raised are:

1) Wharton has the advantage of good access to off-road riding to complement the proposed development as well as good road communications.

2) The plans are carefully considered in order to blend into the landscape.

3) The suggestion that the landscape is of great value is laughable with development such as the poultry waste processing plant, fruit farms with polytunnels, heavy vehicle contracting companies and Cadbury's factory in the locality of the site.

4) The charity has sought other sites in other parts of the county.

5) The benefit of these facilities for children with severe, profound and multiple learning disabilities or autism and challenging behaviours is remarkable with pupils gaining in confidence and self-esteem and becoming more relaxed and developing concentration and listening skills as well as developing language and communication skills. This proposal will allow the number of sessions for the children to be increased both during and outside of school times, especially after school, weekends and holidays.

6) Herefordshire Riding for the Disabled is an admirable charity dependent upon voluntary contributions from many ordinary people who have been touched by the distress of the disabled whether from illness or accident.

7) The site is the most conveniently located area central to the county with good access roads. The design of the development is sensitive to the surrounding landscape.

8) The existing facility at Holme Lacy does not provide enough staff, horses or facilities to allow more people to benefit from working with horses.

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 Before considering the planning issues, it will be useful for members to understand the nature of the applicants business and what has led to the submission of this application. Herefordshire Riding for the Disabled (HRDA) is a charity, which provides therapeutic riding for adults and children with all levels and types of disabilities, both mental and physical. Disabled people are referred to RDA by medical, educational and social services from across the West Midlands including Shropshire and Worcestershire, Herefordshire and mid-Wales. RDA also treat road traffic accident and stroke victims directly from hospital.
- 6.2 HRDA is one of only a few centres nationwide who offer hippo therapy (physiotherapy on horseback). HRDA currently rent a premises at Holme Lacy College but have been given notice to quit within the next 2 to 3 years due to the College's future redevelopment plans. There is presently a client waiting list with the need to expand the existing premises to cater for future expansion plans including offering NVQ training for special needs students along with other specialist courses.
- 6.3 HRDA have been actively looking for a new site for a number of years. Six sites in particular have been given serious thought, which are Westhide, OS585442, Mill Farm, Credenhill, OS446430, Hampton Bishop, OS545386, St Mary's School, Lugwardine, OS548408, Lady Bank Farm, Credenhill, OS446439, and New Court Farm, Lugwardine, OS544414. All these sites have proved unsuitable for various reasons including negative planning reaction, poor access, unacceptable landscape impact, flood risks and restrictions on the purchase of the land.
- 6.4 In considering the determination of this application there are two principal planning issues, which must be assessed.
- 1) The principle of development,
 - 2) Landscape impact.
- 1) The principle of development
- 6.5 It is estimated that the proposal will create 8 full-time and 11 part-time staff, in addition to NVQ students employed with base training. The existing premises at Holme Lacy also has around 92 regular volunteers and it is likely that this figure will increase given the scale of the development proposed. In view of this, the proposal must be assessed against employment as well as community and recreational policies within the Development Plans. Policy A35 of the Leominster District Local Plan and Policy E11 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) both state that large-scale development for employment uses in the open countryside should not be permitted. The floor area of the main building alone is around 2650 square metres (28,525 square feet) therefore the development is unquestionably large scale.
- 6.6 Policy A61 of the Leominster District Local Plan concerning community, social and recreational facilities states that:

'Proposals for new community, social and recreational facilities and services which aim to satisfy health, general welfare, recreational and social needs will be permitted where

they accord with criteria listed within Policy A1 of the Local Plan, are appropriate in scale to the need of the local community and reflect the character of the area and are located within or around the settlement within the area they serve.'

Again, the proposal does not accord with the criteria contained within this policy or Policy A1.

However, the proposal serves an extremely wide catchment area with the majority of its staff and volunteers emanating from rural areas (reflecting horse ownership). All of the users of the facilities are transported by bus. The Hereford-Leominster bus route passes the site entrance with a bus stop being in close proximity. In view of this, the opportunity exists for staff and volunteers to commute to the site by non-car based modes of transport. Whilst the proposal does not accord with the employment, community, and general sustainability principles outlined in the Development Plans, the nature of the proposal and the people that it serves is such that it is unlikely the development could ever be fully sustainable and therefore the principle of the development in the location proposed is accepted.

2) Landscape Impact

- 6.7 A pre-application proposal for the site in question was submitted in April of last year, with the applicants being advised that the proposal could not be supported due to the harmful impact that the development would have on the character and appearance of the landscape. This view has not changed. The site lies within an Area of Great Landscape Value.
- 6.8 Policy A9 of the Leominster District Local Plan states:
'The beauty and amenity of the rural landscape will be conserved and enhanced by paying particular regard to the design, scale, character and location of development proposals to ensure that they do not detract from the quality and visual appearance of the landscape within which they sit.'
- 6.9 The proposal is for a large development (much larger than most agricultural buildings) in an elevated position. The site is also prominent being readily visible from the A49, the B4361, the railway line, footpaths in the locality, and from slopes above Marlbrook on the opposite side of the Lugg valley. The visual impact is compounded by the overall scale of the development and particularly the large expanse of roof to the indoor riding arena, which will be visually intrusive in this planned position.
- 6.10 The applicants have recognised the prominent and elevated position of the site and have tried to mitigate the visual impact of the main riding arena building by excavating it some 3m into the rising ground levels. Landscaping is also proposed on the most visible elevations. However, the Landscape Officer also raises concerns regarding the extent of excavation and the large-scale embankments that would result, which would look artificial and further detract from the landscape. The site is also classified as Principal Wooded Hills within the Supplementary Planning Guidance Landscape Character Assessment. The definition of such a landscape is described as 'highly visible landscapes framing long-distance views and therefore their visual integrity is of paramount importance in the rural landscape.' The proposal is also considered to be contrary to guidance contained within this Supplementary Planning Guidance.
- 6.11 Members should, however, be aware that landscape policy A9 of the Leominster District Local Plan, criteria 2, states that:

‘Proposals should only be permitted which would not adversely affect the landscape quality of the Area of Great Landscape Value unless the exceptional need for the development is sufficient to outweigh the need for protection.’

This policy does therefore allow for developments to be permitted in exceptional cases even where the impact on the landscape is considered to be harmful.

6.12 Having carefully considered and balanced out the planning issues including the social benefits of the proposal, it is felt that as the proposed development is not site specific, a more appropriate location could be found which is acceptable in landscape terms.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The proposal is for a large-scale development in an elevated and prominent position within the landscape which is designated as an Area of Great Landscape Value. It is considered that the development by virtue of its siting and design would have a harmful impact on the Area of Great Landscape Value contrary to Policies CTC2, CTC6 and CTC9 of the Hereford and Worcester County Structure Plan, Policy A9 of the Leominster District Local Plan (Herefordshire), Policies S7 and LA2 of the Revised Deposit Draft Unitary Development Plan and advice contained within the Council's adopted Supplementary Planning Guidance entitled Landscape Character Assessment and Planning Policy Statement 7:Sustainable Development In Rural Areas.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCNW2004/3562/F - PROPOSED AGRICULTURAL BARN AT TUNNEL LANE NURSERY, TUNNEL LANE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HY

For: Tunnel Lane Nursery per Mr D Lee, Oilmill Studios, Brampton Bryan, Bucknell, SY7 0EW

Date Received:
15th October 2004

Ward:
Bircher

Grid Ref:
49735, 66549

Expiry Date:
10th December 2004

Local Member: Councillor S Bowen

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 8 March 2005.

1. Site Description and Proposal

- 1.1 The application site comprises 1.2 hectares of land and buildings (including a tied bungalow) used as as Plant Nursery. The site lies in open countryside approximately 0.6 km to the south east of Orleton and on the south side of Tunnel Lane (C1046).
- 1.2 In addition to the tied bungalow the nursery benefits from a number of timber framed greenhouses and sheds and associated hardstanding and storage areas. Ground levels within the site fall away towards its southern boundary.
- 1.3 The surrounding land is predominantly in use for agricultural purposes although there are properties in relatively close proximity to the west and east of the site. The western and southern boundaries are characterised by a mature mixed deciduous hedgerow offering screening from the surrounding area.
- 1.4 Planning permission is sought for the erection of a new part timber clad office and dry goods working area and part steel framed greenhouse/propogating house. An underground storage area would be created beneath which would be accessed from an open yard area on the eastern side of the building. The total floor area created by the proposed building would be 410 square metres within the underground storage area, 253 square metres with the greenhouse/propogating house and 85 square metres within the office/working area. A total of 748 square metres. In addition to the new build element, the application would involve the demolition of a significant number of the existing sheds and greenhouses. A total of 551 square metres of buildings would be removed.
- 1.5 The proposed building would have a maximum length and width of 27.6 metres and 13.8 metres respectively. The maximum ridge height of the building would be 7 metres with approximately 4 to 6 metres being above the surrounding ground level.
- 1.6 It is proposed to retain the existing boundary planting and supplement it with additional landscaping.

2. Policies

National Guidance

PPG4 – Industrial and Commercial Development and Small Firms
PPG7 – Sustainable Development in Rural Areas

Hereford and Worcester Country Structure Plan

Policy CTC9 – Development Requirements
Policy CTC10 – Trees and Woodland
Policy A3 – Agricultural Buildings
Policy S3 – Retail Development Outside Town Centre
Policy S5 – Retail Development Outside Urban Areas

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 A10 – Trees and Woodland
Policy A12 – New Development and Landscape Schemes
Policy A24 – Scale and Character of Development
Policy A34 – Village Based Neighbourhood Shops and other Small Scale Commercially Based Local Services
Policy A35 – Small Scale New Development for Rural Businesses within or around Settlements
Policy A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
DR13 – Noise
LA2 – Landscape Character and Areas Least Resistant to Change
LA5 – Protection of Trees, Woodlands and Hedgerows
LA6 – Landscaping Schemes
E7 – Expansion of Existing Businesses
E11 – Employment in Smaller Settlements and Open Countryside
E13 – Agricultural and Forestry Development

3. Planning History

93/339 - Extension to existing bungalow forming new bigger kitchen and new bedroom.
Approved 26th July 1993
87/678 - Extension to dwelling. Approved 4th January 1988
15454 - Erection of bungalow. Approved 12th August 1963
14645 - Erection of agricultural workers dwelling. Approved 13th May 1963

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Consultee Advice

4.2 Traffic Manager raises no objection

4.3 Head of Environmental Health and Trading Standards raises no objection.

5. Representations

5.1 A total of 6 letters of objection have been received from the following persons:-

CE & JD Mason, Hewell, Tunnel Lane, Orleton, SY8 4HY (3 letters)
The Occupiers, Hewell Cottage, Tunnel Lane, Orleton, SY8 4HY (1 letter)
Mr & Mrs D Thomas, Hewell Farm, Tunnel Lane, Orleton, SY8 4HY (2 letters)
Mrs Hyde, 24 Mortimer Drive, Orleton, SY8 4JW (1 letter)

The concerns raised can be summarised as follows:-

- Dimensions of two storey building inappropriate for the size of the nursery business
- Building more accurately described as an industrial unit
- Possible intention to establish non-agricultural use for storage and assembly, sales and distribution of cast iron and metal goods
- Any permission should restrict the use of the building to purposes associated with the established nursery building
- Tunnel Lane not suitable for HGV use
- Additional traffic both commercial and private cars detrimental to highway safety
- Concern regarding run off and flooding of lower lying adjacent fields
- Noise and disturbance associated with activities inside and outside the building
- Scale of buildings detrimental to visual amenity, applicant has already removed trees and hedgerows. Any permission granted should require provision of effective screen hedging.
- Building too close to allow retention of hedgerow
- Building should be set in from existing hedgerow boundaries
- Existing access points should be retained and not removed without consent.
- Doubt regarding the validity of statements relating to HGV movements
- Concern that business may have been run down deliberately in an attempt to justify a change of direction
- Statement that building is underground since much of the building will be visible above ground
- Clear evidence of need should be provided
- Summary of storage requirements is a serious cause for concern
- Storage areas would be better located on site of existing greenhouses
- If planning permission granted the following provisions should be made
 - a) maintenance of an effective screen along western and southern boundaries
 - b) building should be no closer than 4 metres from boundary to ensure hedgerow survived
 - c) use is restricted to horticultural in support of established nursery building

- d) no further expansion of the building be permitted
- e) that soakaway should meet technical requirements on size and permeability

5.2 A total of 4 letters of support have been received from the following persons:-

Mr R Gare, Kingsfield, Kingsland
T P Brown, The Bay Horse, Orleton
Mr & Mrs Thomas, Hewell Farm, Tunnel Lane, Orleton (retraction of initial concerns)
Mr B Sykes, Church House, Milbrook Way, Orleton

Comments can be summarised as follows:-

- Current owners have made a lot of improvement but there is still a lot that needs doing
- Amended design for building appears suitable
- Owners will tidy up the area and enhance the business
- Old greenhouses were becoming unsafe

5.3 The latest response from Orleton Parish Council can be summarised as follows:-

Parish Council continues to support rural enterprise but still have the following reservations about this application:

- Previous and recent removal of hedgerow - potential for creating larger accesses
- Overall scale and height of proposal has not been addressed
- Underground element questionable
- Doubts regarding the validity of HGV movements - only recollection of very occasional lorry in the past
- Only access to site for HGV's would be via The Maidenhead crossroads - an accident black spot
- Would roads and bridges support such traffic
- Council would support a nursery on site with planning permission tightly drawn to ensure it remains a nursery facility to the village

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

6. Officers Appraisal

6.1 The main considerations in the determination of this application are as follows:-

- a) the principle of the proposed development and its intended use
- b) the visual impact of the proposed building
- c) the implications for the residential amenity of neighbouring occupiers
- d) traffic and access issues and
- e) surface water drainage

Principle and Intended Use

6.2 The application site lies in open countryside where development proposals are strictly controlled by Policy A2(D) of the Leominster District Local Plan

(Herefordshire). However the policy defines a series of exceptional circumstances which include development associated with the efficient running of agricultural or forestry enterprises and small scale employment generating uses that comply with other more detailed policy requirements outlined in the Local Plan.

- 6.3 The nursery business is a long established one on the site and in this respect the application does not offer an opportunity to challenge the principle of such the use at this rural location. The key issue in this context is the acceptability of the expansion/rationalisation of the existing operation and to ensure that its scale remains appropriate to its location as required by Policy A35.
- 6.4 It is acknowledged that the site occupies an isolated location, which is remote from the nearest settlement and not conveniently accessed by pedestrians but this is a long prevailing arrangement and in this instance would not rule out the consideration of this particular proposal based upon the specific merits of the case.
- 6.5 In response to serious concerns raised locally, the applicant has sought to clarify the intended use of the site and more specifically the proposed building, which through negotiation has been significantly adapted in order to seek to reduce its perceived scale and industrial appearance. The result is a largely glazed and partly timber clad structure which is considered to be more in keeping with the existing character of greenhouses and sheds on the site.
- 6.6 The “underground” section of the building would be used for a range of storage uses associated with the requirements of the nursery. This would include an area for storing sterilized soil since the current makeshift arrangements do not guarantee a weed free environment; an area for the bulk storage of peat, wood chippings, moss, pots, baskets, troughs, trays and seed; a working area for potting and assembly of hanging baskets which would also accommodate the pumping and control machinery for the water storage and irrigation system for the nursery and an area for secure storage of plant and equipment. It is submitted by the applicant that these requirements are not adequately catered for by the existing range of buildings on the site. This is acknowledged by the agreed intention to dismantle and remove structures with a combined floor area of approximately 551 square metres.
- 6.7 The proposed building with a gross floor area of 748 square meters would involve an increase of 197 square metres of operational workspace, which is not considered to be of a scale that is inappropriate for such a use in this location.
- 6.8 Restrictions upon the use of the building, the demolition of existing structures and the inherent control over future development would bring about the type of limitations referred to in consultation responses and in the light of these, it is accepted that there is a justification for the building as proposed and that subject to the satisfaction of other detailed policies, the principle is an acceptable one having regard to Policies A2(D) and A35 of the Local Plan.

Visual Impact

- 6.9 The site and surroundings comprise an attractive, although undesignated area of open countryside, characterised by agricultural use and scattered farm holdings and dwellings. The site itself despite the recent removal of hedgerows and trees (works not requiring formal consent) maintains a reasonable level of screening along its

boundaries. The applicant intends to retain all of the existing planting along the southern and western boundaries with the intention of supplementing the existing boundary with additional planting where necessary.

- 6.10 It is considered that this will certainly reduce the impact of the proposed building in views from the south and west. The sloping nature of the site is such that the building would not be readily visible from the public highway to the north and east. Furthermore despite the apparent height of the building (a maximum height of some 7 metres) it would be set into the sloping land such that its height above ground level would range between approximately 4 and 6 metres. The positioning and relative height of the building compares favourably with existing greenhouses on the western boundary of the site and in its revised form which includes timber cladding, glazing and the introduction of breaks in the ridgeline the appearance is considered for less industrial and more in keeping with the nursery context.
- 6.11 It is therefore considered that with appropriate conditional controls, the revised building could be successfully integrated into the local landscape without significant detriment.

Residential Amenity

- 6.12 It is not considered that the applicants proposals would result in any activities that would be beyond what would be considered normal for a modern nursery business. It is possible that the ambitions of the applicants would attract more customers to the site but this in its own right is not a material planning consideration since the site has a well established use as a plant nursery with a retail element and the level of use in reality is not an issue that the Local Planning Authority can control. Furthermore it is advised that the primary intention would be to supply local retail outlets rather than focus on improving direct sales.
- 6.13 No objection is raised by the Head of Environmental Health and Trading Standards Officer and therefore subject to a restriction on nursery related use the proposal is considered to be acceptable.

Access and Parking

- 6.14 The applicant does not involve any alterations to existing accesses to the site or the expansion of existing parking areas, both of which would require planning permission in their own right. Whilst there appears to be some dispute about HGV activity associated with the previous owners, it is mentioned that only 2 HGV deliveries would be made per month.
- 6.15 The information provided by the applicant has been considered by the Traffic Manager who raises no objection to the proposal. Reference to weight restrictions on the local road network is not a matter that carries any significant weight to a planning recommendation but clearly the applicant will need to ensure compliance with other regulatory requirements.

Drainage

- 6.16 The applicant has proposed the installation of a holding tank that will collect surface water with the aim of recycling this into the nursery's irrigation system. Any additional surface water will be catered for by a new soakaway system. In the light of

local concerns relating to the potential flooding of adjacent land on appropriate conditions is proposed to maintain control over the system.

Conclusion

6.17 It is considered that the modernisation of the existing facilities is required to enable the well established nursery to secure future viability and that the scale and appearance of the revised multi-purpose building is acceptable in this rural location. The concerns of local residents and the Parish Council are acknowledged but with conditional restrictions is considered that the issues raised, where relevant to planning legislation, can be dealt with by way of conditions.

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

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

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 general character and amenities of the area.

4 - 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.

5 - There shall be no floodlighting or external lighting installed at the site without the approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the visual amenity 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 - 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 - G19 (Existing trees which are to be retained)

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

11 - H13 (Access, turning area and parking)

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

12 – Prior to the first use of the building hereby approved, the existing storage buildings and greenhouses identified on the schedule and drawing no. 500/10 received on 20th January 2005 shall be demolished and permanently removed from the site.

Reason: In the interests of protecting the visual amenity of the area.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT UNIT 16, COURT FARM BUSINESS PARK, BISHOPS FROME, WORCESTER, HEREFORDSHIRE, WR6 5AY

For: W J Holden & Associates per Michael Latchem & Associates, 9 Aylestone Drive, Hereford. HR1 1HT

Date Received:
7th December 2004

Ward:
Frome

Grid Ref:
66483, 48560

Expiry Date:
1st February 2005

Local Member: Councillor R Manning

Introduction

This committee report was deferred from the previous meeting for a site visit.

1. Site Description and Proposal

- 1.1 Court Farm Business Park is a well established industrial estate located on the eastern fringes of Bishops Frome. It is accessed via an unclassified road which passes an existing residential development known as Summerpool and in turn emerges onto the B4214 which runs through the centre of the village.
- 1.2 This application relates specifically to unit 16 and seeks to add an extension to it. The premises currently has a floor area of 410m square, and the application adds a further 340m square, giving a combined floor area of 750m square.
- 1.3 The building is of a standard industrial/commercial design, a portal frame steel building faced in profile sheeting. It has a dual roof pitch with a central valley running north/south. The proposal seeks to continue this with an additional to the south elevation, but also seeks to add a secondary element with a lower roof pitch to the west.
- 1.4 The scheme utilises an area presently used for car parking. A previous application was withdrawn following concerns that the resulting development would allow insufficient parking. This is effectively a revised scheme following negotiation with the Council's Highway Department. At present the premises has 17 car parking spaces and 1 lorry space. The proposal increases this to 39 spaces and maintains the lorry space.

2. Policies

Malvern Hills District Local Plan

Employment Policy 10 – Expansion on Industrial Sites

Hereford and Worcester County Structure Plan

Policy E6 – Industrial Development in Rural Areas

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy E6 – Expansion of Existing Businesses

3. Planning History

NE2004/1945/F - Proposed extension to unit 16 - Withdrawn 21st October 2004 following concerns over parking provision.

4. Consultation SummaryStatutory Consultations

4.1 Environment Agency - No objection subject to condition.

Internal Council Advice

4.2 Traffic Manager - No objection subject to the provision of cycle parking facilities

5. Representations

5.1 Bishop's Frome Parish Council - Councillors believe that the existing access road to the Business Park is inadequate and that the application should be refused until such time as the road is improved.

5.2 One letter of objection has been submitted by Summerpool Residents Association. The Association represents 36 households and they comment that the access road to the Business Park passes through a residential area and that is inadequate to accommodate the volumes of traffic. Their submission includes a traffic survey carried out on three separate days in early January 2005.

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 No objection has been raised to the design or layout of the proposed extension and it is considered to be acceptable in this respect.

6.2 The key consideration is that of traffic generation and the adequacy of on site parking provision. The Highways Department have been involved in negotiations with the applicants agent with regard to the latter of these two points and are now satisfied with the arrangements to be made. These will improve parking provision on the business park more generally, rather than being solely generated by an application for what is a modest extension in the context of its surroundings.

- 6.3 The proposed extension is predominantly for additional warehouse space (247m sq) with some further office space (93m sq). Whilst this allows the current occupants of the building to expand, it is unlikely that it will result in such a significant increase in traffic movements over and above those currently generated and as shown by the traffic survey undertaken by local residents.
- 6.4 The concerns raised by the objectors in terms of the adequacy of the existing road network and its ability to serve the Business Park is noted, but to refuse this application on such grounds would be difficult to substantiate given the relatively minor increase in traffic movements that it would create.
- 6.5 The application is considered to be acceptable in all other respects and accords with Development Plan policy. It is therefore recommended that this application is approved.

RECOMMENDATION

That planning permission be recommended subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

4 - F27 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

5 - G04 (Landscaping scheme (general))

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

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

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

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

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

8 - H29 (Secure cycle parking provision)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11A DCNE2004/2447/F - CONVERSION OF BARN TO SINGLE DWELLING AT BATCHCOMBE FRUIT FARM, STORRIDGE, MALVERN, HEREFORDSHIRE, WR13 5ES

11B DCNE2004/2449/F – CONVERSION OF TWO BARNES INTO TWO DWELLINGS AT THE SAME

**For: A Kelsall & Sons per Gurney Storer & Associates
The Stables Martley Worcestershire WR6 6QB**

Date Received:

2nd July 2004

Expiry Date:

27th August 2004

Ward:

Hope End

Grid Ref:

74149, 50135

Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 Batchcombe fruit farm is located at the end of a narrow lane approximately 1½ miles north of the Hereford of the Hereford/Worcester A4103 Road at Storrige, Cradley, Nr Malvern, Worcestershire.
- 1.2 Planning permission was sought for conversion of a range of barns into three dwellings. Existing steel framed buildings will be demolished and a courtyard created around which the buildings are located.
- 1.3 Batchcombe farmhouse is located to the south of the site with dwellings (Redwood) located to the west (The Cedars) and east (The Oast House Barn and Batchcombe Mill). Orchards abutt the north of the buildings.

2. Policies

PPS7 – Sustainable Development in Rural Areas

Hereford and Worcester County Structure Plan

H20 – Housing in Rural Areas

CTC7 – Listed Buildings

CTC9 – Development Requirements

CTC13 – Conversion of Buildings

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside

Conservation Policy 12 – Residential Conversions of Agricultural and other Buildings

Conservation Policy 13 – Removal of Permitted Development Rights

Transport Policy 11 – Traffic Impact
Landscape Policy 1 – Development Outside Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S2 – Development Requirements
H7 – Housing in the Countryside Outside Settlements
T11 – Parking Provision
NC8 – Habitat Creation, Restoration and Enhancement
HBA12- Re-Use of Rural Buildings
HBA 13 – Re-Use of Rural Buildings for Residential Purposes.

3. Planning History

NE2003/1376/F - Conversion of barn to single dwelling. Refused 2nd July 2003.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency has no objection.

Internal Council Advice

4.2 Traffic Manager recommends conditions regarding parking.

4.3 Environmental Health and Trading Standards Officer recommends conditions regarding burning of waste on-site and controls over construction.

4.4 PROW Manager raises no objections.

5. Representations

5.1 Cradley Parish Council – ‘No objections, but whilst we value our narrow lanes, we are concerned at the increasing traffic this development will generate.’

5.2 CPRE comment as follows: 'We wish to draw the Council's attention to the, in our view, excessive amount of glazing. Any approval should we suggest be subject to a reduction if the barns are to retain any of their original character.'

5.3 We are also concerned about access, which is along a narrow track about a mile long, and we suggest that any approval should be on condition that passing places are created where appropriate.'

5.4 Two letters of objections have been received from:

J & L Hooper, Redwood, Batchcombe Fruit Farm, Storridge, Malvern
D Patterson, The Oast House, Batchcombe Farm, Storridge

The main points raised are:

- 1) The proposal will impact on the amenity and privacy of nearby residents by means of overlooking being only 10 ft away and also raised by approximately 9ft.
 - 2) Access to the site is by means of a single track lane bordered by a large hedge, of 1.2m distance with few parking places. This will add further pressure onto the lane.
 - 3) Concern over odours from septic tanks.
 - 4) Concern over appearance of breeze block building with a residential setting in an Area of Outstanding Natural Beauty.
 - 5) Existing building will remain in forming use within the complex creating a danger to residents with children.
- 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 site is located along a narrow single track road approximately 1½ miles north of the Hereford to Worcester main road at Storrige, Cradley. Policies contained within both the Malvern Hills District Local Plan and emerging Unitary Development Plan support the principle of conversion but a business re-use shall be in the first instance be considered. However, in this instance in view of the narrow road and adjoining residential conversions it is considered that a residential use would be the most appropriate use.
- 6.2 The conversions themselves have been well designed and respect the character of the buildings with limited new openings and use of existing openings. In addition the steel framed buildings adjacent to the site and within the Courtyard are to be removed. This will improve the appearance of the traditional buildings within the landscape and also the amenity of the adjoining buildings that have already been converted.
- 6.3 The concerns expressed by the neighbour have been considered, however there are no windows overlooking the neighbour. It will purely be the garden that the neighbour overlooks. This could be mitigated with suitable landscaping. Drainage is proposed by means of an approved treatment plant.

RECOMMENDATION

That planning permission be granted for both DCNE2004/2447/F and DCNE/2449/F 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 - C12 (Repairs to match existing)

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

5 - E16 (Removal of permitted development rights)

Reason: To protect the character of the buildings.

6 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 - F19 (Drainage in accordance with approved plans)

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

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 - G39 (Nature Conservation - site protection)

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

12 - G40 (Barn Conversion - owl box)

Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.

13 - C05 (Details of external joinery finishes)(all joinery details)

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

14 - H10 (Parking - single house)(2 cars)

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

**Informative:
N15 – Reason for planning permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCNE2004/3962/F - CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 AND PROVISION OF PARKING FOR 3 COMMERCIAL VEHICLES. AGRICULTURAL BUILDING AND LAND TO THE REAR OF ASHBOURNE HOUSE, LOWER EGGLETON, LEDBURY HEREFORDSHIRE, HR8 2TZ

**For: Mr & Mrs J Fry John Phipps Bank Lodge
Coldwells Road Holmer Hereford HR1 1LH**

Date Received:
16th November 2004

Ward:
Frome

Grid Ref:
61525, 44940

Expiry Date:
11th January 2005

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The application site lies within 150 metres of Newtown Crossroads and lies to the rear of dwellings which front onto the A4103. It comprises an existing agricultural building which has a floor space of 80 metre square. Access is gained to the site via an existing track that emerges onto the A417.
- 1.2 The proposal is in fact retrospective as the building is being used for the purposes applied for, that being the use for the applicants drainage business. This entails the installation of water supply and foul pipes and includes the maintenance and clearing of drains. The application is described as being for B1 use, but is actually described as 'sui generis' by the Land Use Gazetteer.

2. Policies

Hereford and Worcester County Structure Plan

E8 – Industrial Development in Rural Areas

Malvern Hills District Local Plan

Employment Policy 6 – Re-Use of Rural Building

Herefordshire Unitary Development Plan (Revised Deposit Draft)

E11 – Employment in the Smaller Settlements and Open Countryside

HBA12 – Re-Use of Rural Buildings

3. Planning History

NE1999/1261/F - Erection of agricultural building - Approved 29th September 1999.

The approval was subject to the following condition in light of concerns that the building would not be used as applied for:

'The buildings shall only be used in connection with the stated uses (i.e storage of animal feed, agricultural machinery (tractor) and winter sheep store) and for no other use whatsoever.'

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection subject to conditions.

4.3 Head of Environmental Health & Trading Standards - Comments as follows: 'This is an existing business and, as far as I am aware, no complaints have been received concerning noise or odours. However, these are issues that could be dealt with under the provisions of the Environment Protection Act should justified complaints be received.'

I was reluctant to recommend restrictions on hours of use as it is the nature of the business that there will be occasional call out to emergency situations. However, in view of the Parish Council's comments, it may be appropriate to restrict the use to access and egress of vehicles only between 7pm and 7am Monday to Saturday and all day Sunday, in order to avoid the use of the premises for maintenance work while at unsocial hours.'

5. Representations

5.1 Yarkhill Parish Council - Note that there is strong local opposition to the proposal and support the concerns of local people that the application will cause detriment to residential amenity in terms of noise and light pollution and represents a danger to highway safety.

5.2 CPRE - The proposed industrial use is not compatible with its open countryside location and will detract from the visual amenities of the area.

5.3 Four letters of objection have been received in response to statutory consultation procedures from the following:

C J Wilson, Squirrels Nest, 4 The Oaklands, Lower Eggleton
A M Sutton & C M D Blandford, 2 The Oaklands. Lower Eggleton
Mr & Mrs Price, Northcroft, Lower Eggleton
Mr R Bates & Miss J Beck, Rose Corner, 3 The Oaklands, Lower Eggleton

In summary the points raised are as follows:

- a) Concerns over highway safety with vehicles emerging onto the A417 without adequate visibility
- b) The use is out character with its surroundings.

- c) The use is detrimental to residential amenity, causing problems of noise disturbance, smell and light pollution.
 - d) The applicant regularly parks more than three vehicles on the 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 The application has been submitted as a result of an enforcement complaint. Further investigations and action has been held in abeyance pending the determination of this application.
- 6.2 The main issues are ones of residential amenity, highway safety and impact on the visual amenities of the area. A response to the first two of these are available in terms of the internal consultation responses from Environmental Health and Transportation Managers. The former have not received any complaints from residents in terms of noise smell or light pollution and therefore do not object subject to in hours operation condition whilst the latter raise no objection subject to conditions relating to the provision of adequate visibility splays and turning and parking areas.
- 6.3 The issue of visual amenity can be addressed by conditions requiring the submission of a landscaping scheme and to ensure that no outside storage occurs on the site.
- 6.4 The application adheres to the requirements of policies relating to the re-use of rural buildings. It is structurally sound and represents a commercial re-use of a vacant building.
- 6.5 Whilst original concerns that the building was always intended for commercial use would appear to have been well founded, this should not affect the determination of this application. As the use is considered to be sui generis, any alternative use of the building in the future will require the benefit of planning permission. Furthermore it is recommended that the use of the building is made personal to the applicant to ensure that it continues to be used in its current manner and not in a more intensive way that may give rise to greater nuisance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - H03 (Visibility splays)(2.4m)(120m)**

Reason: In the interests of highway safety.

- 2 - H15 (Turning and parking: change of use - commercial)(6 cars and 1 lorry)**

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

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

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

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

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

5 - E01 (Restriction on hours of working)(7am to 7pm Mondays to Saturdays)

Reason: To safeguard the amenities of the locality.

6 - E27 (Personal condition)(Mr J Fry)

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

7 - F04 (No open air operation of plant/machinery/equipment)

Reason: To protect the amenities of nearby properties.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN05 - Works within the highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13A DCNE2004/4294/F - CONSTRUCTION OF SINGLE STOREY SIDE EXTENSION AND ALTERATION TO FRONT ENTRANCE TO INCLUDE NEW PITCHED ROOF AT FORTEY COTTAGE, CRESCENT ROAD, COLWALL, WORCESTERSHIRE WR13 6QW

13B DCNE2004/4295/L – AS ABOVE

**For: Mr & Mrs Lee Meredith Architectural Design
34 Montpelier Road West Malvern Worcs WR14 4BS**

**Date Received:
17th December 2004**

**Ward:
Hope End**

**Grid Ref:
75296, 42451**

**Expiry Date:
11th February 2005**

Local Members: Councillor R Mills & Councillor R Stockton

1. Site Description and Proposal

- 1.1 Fortey Cottage is a late 17th Century detached timber-frame dwelling under what is understood to be an artificial slate roof. Later alterations have seen the erection of an unsympathetic flat roof and lean-to style extension to the front elevation, which masks the ground floor framing.
- 1.2 The application seeks the removal of the flat roof extension and replacement with a hallway of pitched roof construction on a smaller footprint than the existing. Also proposed are alterations to the fenestration and facing material of the lean-to corridor extension and the provision of a new single-storey side extension 'family room.' This would replace a number of single-storey additions to both the side and rear, which detract from the character and appearance of the cottage.
- 1.3 It is also proposed to re-roof throughout with a plain clay tile.

2. Policies

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and extensions

HBA1 – Alterations and extensions to listed buildings

Malvern Hills District Local Plan

Housing Policy 16 – Extensions

Conservation Policy 9 – Alterations and extensions to listed buildings

3. Planning History

NE03/2700/L - Replace/repair of timber frame gable. Approved 07/11/2003

NE01/2060/L – Replacement of external kitchen door. Approved 24/09/2001

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - No objection

4.3 Conservation Manager – “The alteration to the extension to the façade and the porch are to be welcomed, as they would appear to improve this area of the building. The alteration to the west elevation would appear to remove some rather unfortunate extensions and replace them with a more in keeping extension, modelled on a cider house. This would enhance the building and would therefore be considered acceptable.”

5. Representations

5.1 Colwall Parish Council object to the application for the following reasons:

- a) “The design needs to be more sympathetic to the original building;
- b) The materials are not consistent with the listed building;
- c) More prominence should be given to the 1680 frontage; the porch masks the ground floor framing;
- d) Any extension to be constructed ought to be consistent with the original building in design, size and construction techniques.”

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 existing listed building has been substantially altered over time, through the addition of largely unsympathetic extensions to the front elevation and inappropriate integral store buildings to the rear. Under this application, these would be removed or otherwise modified and replaced with a pitched roof hall extension and single-storey hipped, timber boarded side extension, all under a plain clay tile.

6.2 Extensive pre-application discourse between the Historic Buildings Officer and architect informed the design rationale. As a result a contemporary approach was preferred, rather than the replication of the predominant historic timber framing. The Historic Buildings Officer is of the opinion that the scheme enhances the character and appearance of the building, representing an improvement over what exists at present. It is considered that the scheme is in accordance with the relevant local plan policy governing alterations and extensions to listed buildings.

- 6.3 In planning policy terms the extension is considered commensurate with the existing dwelling in terms of scale and would respect the amenity of neighbouring properties.
- 6.4 It is concluded that the proposed development is acceptable in both planning and listed building terms and the application is recommended for approval.

RECOMMENDATION

DCNE2004/4294/F

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

- 4 - E17 (No windows in side elevation of extension)(end elevation)**

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

Informative(s):

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

DCNE2004/4295/L

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

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

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

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

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

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

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

4 - C05 (Details of external joinery finishes)

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

5 - C17 (Samples of roofing material)

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

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - NC01 - Alterations to submitted/approved plans

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCNE2005/0160/L - REMOVAL OF CHIMNEY (RETROSPECTIVE). REPLACE WINDOWS AND FRENCH DOORS. REPLACE KITCHEN WINDOW WITH FRENCH DOOR. INSTALL NEW STAIRCASE AND DOOR IN ORIGINAL POSITIONS AT PEGS FARM, STAPLOW, LEDBURY, HEREFORDSHIRE, HR8 1NQ

For: J Nicholls C A Masefield Building Design Services 66-67 Ashperton Road Munsley Ledbury Herefordshire HR8 2RY

Date Received:
19th January 2005

Ward:
Hope End

Grid Ref:
70294, 41144

Expiry Date:
16th March 2005

Local Members: Councillor R Mills & Councillor R Stockton

1. Site Description and Proposal

1.1 The application seeks listed building consent for the replacement of a number of windows, new French doors and a new internal staircase at Pegs Farmhouse, Staplow. It is a Grade II* building and is of timber frame construction under a tiled roof.

1.2 Officers have conducted an extensive inspection of the site and a number of additional alterations have been revealed that have been carried out without the benefit of listed building consent. It is therefore proposed that these are added to the current application and are as follows:

- Removal of a chimney stack
- Re-construction of east wing/north elevation
- Insertion of a new window - east wing/north elevation
- Insertion of a damp proof course - south elevation

2. Policies

Malvern Hills District Local Plan

Conservation Policy 6 - Protection of Listed Buildings
Conservation Policy 9 - Alterations and Extensions to Listed Buildings

3. Planning History

NE2004/2971/L - Alterations to building to include removal of chimney stack, replacement of windows and French doors, new French door to replace kitchen window and insertion of new staircase - Refused 19th October 2004.

The application was refused due to the lack of sufficient detail and not on the principle of the proposed works.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage - No comment in detail but recommend that consent should be conditional on joinery details and the scope of repairs.

Internal Council Advice

- 4.2 Conservation Manager - No objection subject to conditions.

5. Representations

- 5.1 Wellington Heath Parish Council - No objection but reiterates its concern over submission of aspects retrospectively.

- 5.2 Two letters of objection have been received from Miss F Holmes, Barkholme, Hollow Lane, Staplow and Mr & Mrs Morris, The Fishery, Hollow Lane, Staplow. In summary the points raised are as follows:

- a) Concern that works are undertaken and applications submitted retrospectively, particularly as Pegs Farm is a Grade II* listed building.
- b) The new door in the east elevation is unnecessary and adversely affects the character and appearance of the house.
- c) The application contains insufficient information.

- 5.3 A third letter has been received from Mr & Mrs Underhill, Old Mill House, Staplow. Whilst not objecting, they ask that all matters at Pegs Farm be looked at carefully.

- 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 There are two aspects to this application, those works which are proposed and those which have been completed and applied for retrospectively.

- 6.2 The new works are considered to be entirely satisfactory by both English Heritage and the Council's Conservation Officer. Subject to the imposition of conditions as referred to above these aspects are satisfactory.

- 6.3 The work that has been completed and is now to be dealt with retrospectively has been thoroughly examined by officers. It has been carried out to a high specification using appropriate materials and is also considered to be acceptable.

- 6.4 The concerns of the objectors at this approach are noted. It is a criminal offence to undertake works to a listed building without the relevant consent. However to pursue a prosecution for works that are entirely acceptable is not an appropriate course of action.

6.5 It is therefore concluded that the proposal is acceptable and is accordingly recommended for approval. In the light of the fact that the application relates to a Grade II* building it will have to be referred to the Government Office for their determination.

RECOMMENDATION

That the Secretary of State be notified that the Local Planning Authority is mindful to grant listed building consent subject to the following conditions:

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

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

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

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

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

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

- 4 - C12 (Repairs to match existing)**

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

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.

15 DCNE2005/0241/F - DETACHED SINGLE GARAGE ON LAND ADJACENT TO OAK BANK, CHAPEL LANE, CRADLEY

For: Mr G W Harris per Mr I Guest Ian Guest & Associates, 3 Juniper Way, Malvern Wells, Worcestershire, WR14 4XG

Date Received:
25th January 2005
Expiry Date:
22nd March 2005

Ward:
Hope End

Grid Ref:
72888, 47180

Local Member: Councillor Roy Stockton

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a single detached garage in connection with the bungalow approved under reference NE02/3604/F. The plot falls within the defined settlement boundary, to the north of Chapel Lane.
- 1.2 Land to the north and west is in open countryside with residential development opposite. The nearest neighbour is 'Oak Bank', located immediately to the east.
- 1.3 The proposed garage is of pitched roof construction aligned north-south, located to the northeast corner of the plot. Facing materials are to match those used for the approved bungalow, currently under construction.
- 1.4 Dimensions are as follows:
 - Height to ridge – 4.1 m
 - Length – 8.99 m
 - Width – 4.04 m

2. Policies

2.1 Malvern Hills District Local Plan

H16 – Extensions
LAN3 – Development in Areas of Great Landscape Value

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design
H18 – Alterations and Extensions

3. Planning History

NE02/3225/O – Site for erection of bungalow – Outline Approval 18/12/02

NE03/3604/F – Proposed bungalow – Approved 24/02/04

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager raises no objection to the grant of planning permission.

4.3 The Arboriculturalist raises no objection.

5. Representations

5.1 Cradley Parish Council raises no objection to the grant of planning permission.

5.2 One letter of objection has been received from B. Dollery, Oak Bank, Chapel Lane, Cradley. The points raised are summarised as follows:

The garage owing to its size is not commensurate with a single garage and is out of proportion with the rural setting in Chapel Lane;

The 4 metre height of the garage in the location proposed would considerably overshadow Oak Bank, reducing daylight available through the only windows to the objector's garage and workshop, also casting a shadow over the garden.

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

- The scale and character of development having regard to the characteristics of the wider area and Area of Great Landscape Designation;
- The impact of the proposed development upon the residential amenity of the neighbouring property.

6.2 With an overall height and width of just over 4 metres, the scale proposed is not considered excessive. The ridge height of the approved bungalow is some 1.3 metres higher at 5.3m. As such, the proposal would, in the officer's opinion, represent a subservient domestic outbuilding. The length at 9 metres allows for the stationing of a single vehicle and small ancillary storage area. The scale of the proposed development is considered commensurate with both the approved bungalow and the wider area.

6.3 It is not considered that the proposal would result in an unacceptable loss of daylight to the neighbour’s property and garden. Any loss of light would be negligible and deprive light to the objector’s garage/workshop rather than a principal habitable room. It is not considered that the residential amenity of this property is harmed to an extent that could justify refusal.

6.4 On balance it is considered that the proposed development is acceptable and, subject to the appropriate conditions, should be supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - E08 (Domestic use only of garage)**

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCNE2005/0445/F - EXTENSION TO UNIT 1 TO FORM OFFICE BUILDING ADJ TO UNIT 1, STATION YARD INDUSTRIAL ESTATE, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6RN

**For: Merlin Energy Resources Ltd per Buildplan,
Fairfield Old Church Road Colwall Malvern WR13 6EZ**

Date Received:
14th February 2005

Ward:
Hope End

Grid Ref:
75664, 42486

Expiry Date:
11th April 2005

Local Member: Councillor Rees Mills

1. Site Description and Proposal

- 1.1 The site forms part of the Station Yard Industrial Estate in Colwall and lies immediately adjacent to the railway line. It is positioned adjacent to the entrance of the industrial estate and is currently an area of vacant land.
- 1.2 The application seeks to add an extension to unit one. All of the buildings are clad in profiled sheeting and have monopitch roofs. This proposal is for a brick faced building with a tiled pitched roof and will provide additional office accommodation.
- 1.3 The proposal makes provision for twelve parking spaces; six in front of the building and six on a strip of land opposite which is currently loosely surfaced with stone chippings but does not have any formal use. A supporting statement advises that secure cycle parking will also be provided as part of the scheme.

2. Policies

2.1 Hereford and Worcester County Structure Plan

E6 – Industrial Development in Rural Areas

2.2 Malvern Hills District Local Plan

Employment Policy 4 – Design Standards on Industrial Estates
Employment Policy 10 – Expansion on Industrial Sites
Landscape Policy 2 – Areas of Outstanding Natural Beauty

2.3 Herefordshire Unitary Development Plan

E6 – Expansion of Existing Businesses
E8 – Design Standards for Employment Sites
LA1 – Areas of Outstanding Natural Beauty

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent - No response.

Internal Council Consultations

4.2 Transportation Manager - No objection subject to a condition requiring secure cycle parking.

4.3 Head of Environmental Health - No objection.

4.4 Head of Community and Economic Development - Support the application as it will help to retain a business in this part of the county.

5. Representations

5.1 Colwall Parish Council - No objection but wish to ensure that materials are sympathetic to the area. Also note the potential increase in traffic movements along Station Road.

5.2 Two letters of objection have been received from Mr I R Nesbitt, Stable Cottage, Station Drive, Colwall and Mr & Mrs Kopsch, Winsome Cottage, Station Drive, Colwall. In summary the points raised are as follows:

1. Concern at the increase in traffic movement and the danger this will cause to highway safety.
2. The extension will be detrimental to the residential amenity of an adjacent dwelling.
3. Parking will occur directly under a bedroom window.

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 Employment Policy 10 of the Malvern Hills District Local Plan sets a number of criteria for expansion on existing industrial estates. These relate to design issues, vehicular access and parking, landscape impact and residential amenity amongst other things. Provided that proposals satisfy these criteria they will normally be permitted.

6.2 The proposal is entirely different in terms of its design and appearance to the existing steel frame and profiled sheet units that exist. The use of brick and tiles more reasonably reflects the historic part of the village, against which this proposal will be

seen from distant views. It is considered that this approach is far more satisfactory than to continue the existing design and materials, which would not improve or enhance the setting of the village or the Area of Outstanding Natural Beauty.

- 6.3 Station Road is the only point of access for the industrial estate and the railway station. It is accepted that this proposal will result in an increase in traffic movements as the scheme is intended as an expansion of the existing business, creating a further twelve jobs. This could result in as many as 24 movements per day. However, the site is located ideally for rail users and the applicant has indicated that secure cycle parking will be provided. In terms of sustainability it is a site with optimum opportunity. Furthermore, the scheme provides ample parking on site and it will not exacerbate current parking problems on Station Road. No objection is raised by the Transportation Manager and it does not appear that a refusal based on highway safety grounds could be substantiated.
- 6.4 In terms of landscape impact and impact on the Area of Outstanding Natural Beauty, the proposal will be seen in the context of the rest of the village. As has been stated previously, the choice of material will be a more appropriate reflection of the rest of the village and therefore it is not considered that the scheme will have a demonstrable impact in terms of landscape issues.
- 6.5 The proposal faces onto an adjacent property. This has two bedroom windows at first floor level and the occupants are concerned that these will be directly overlooked by first floor windows in the office building. Subject to a condition to require the two windows to be obscure glazed; this concern can be satisfactorily addressed.
- 6.6 The same objector has expressed concern that parking is proposed directly under the same windows. The area in question forms part of the industrial estate and is surfaced in the same way as areas used for parking at present. It can be used for parking purposes as the site exists at the moment and therefore to refuse the application on this basis could not be substantiated.
- 6.7 It is therefore concluded that the proposal accords with the requirements of the relevant policies and is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - E06 (Restriction on Use) (office accommodation) (Class B1)**

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

4 - E19 (Obscure glazing to windows)

Prior to the use or occupation of the [dwelling[[extension] hereby permitted, and at all times thereafter, the window[s] marked "X" on the approved plans shall be glazed with obscure glass only [and shall be non-opening].

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

5 - H29 (Secure cycle parking provision)

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCNE2005/0458/F - CONSTRUCTION OF FRONT PORCH AT 4 MASSEY ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FB

For: Mr S Watkins at same address

Date Received:
14th February 2005

Ward:
Ledbury

Grid Ref:
70107, 38027

Expiry Date:
11th April 2005

Local Members: Councillor B Ashton & Councillor P Harling

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of a porch to the front elevation of No. 4 Massey Road, Ledbury. The dwelling is one of a terrace, constructed of red brick under a tiled roof on the New Mills estate.
- 1.2 The proposed conservatory is of a lean-to construction, 3.3 metres high where it adjoins the front of the dwelling. It would project 1.8 metres from the front elevation with an overall width of 2.5m. It is proposed that facing materials will match the existing.

2. Policies

2.1 Malvern Hills District Local Plan

H16 – Extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design

H18 – Alterations and Extensions

3. Planning History

MH97/0912 – Construction of 126 no. dwellings and garages, open space and associated highway works at Areas 9 & 10, New Mills, Ledbury. Approved 21/05/1998

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.

5. Representations

5.1 Ledbury Town Council recommends refusal

5.2 5 letters of objection have been received. The points raised are summarised below.

- The front extension would compromise the original design rationale, which has won awards, upsetting the existing uniformity. A precedent would be set for others to follow.
- The development would be uncharacteristic of the Bloor Home development.
- The porch would deprive the adjoining dwelling of natural light.

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 It is considered that the key points in the consideration of this application are:

- a) The scale and design of the proposed development; and
- b) The impact upon the amenity of neighbouring properties and the wider area.

6.2 Scale and Design

In terms of floor area, the porch at 4.5 square metres is a third larger than would be allowed under permitted development rights. At its highest point it would exceed the height permitted under Class D permitted development rights by 300mm. As such, it is considered that the scale of the proposed development is acceptable having regard to the original dwelling.

6.3 The porch is of a lean-to construction, measuring 3.3m in height where it adjoins the dwelling, reduced to 2.3m at the eaves. All facing materials and fenestration detailing is proposed to match the existing dwelling and would be controlled through the imposition of an appropriate condition, should Members be minded to recommend approval.

6.4 Impact upon local amenity

The letters of objection refer predominantly to the existing quality of the built environment, particularly the uniformity of the front elevations along Massey Road. It is recognised that until now no front extensions have been added to the properties in the immediate vicinity, although permitted development rights remain intact. As such, householders would be allowed to erect porch extensions without the requirement for planning permission, subject to compliance with the conditions set out in the General Permitted Development Order.

6.5 A letter of objection has been received from the occupant of No.6 Massey Road. Amongst other things, this raises concern at the loss of light to the living room window and loss of view of the entrance to the road. The proposal does, however, accord with the 45 degree principle and it is not considered that refusal of the application could be

sustained on the loss of daylight to this room alone. The loss of view of the entrance to the road is not considered a material consideration.

6.6 In terms of scale and design the proposed development is considered acceptable and the impact upon the amenity of neighbouring properties is not deemed severe enough to warrant refusal in this instance. It is considered that the proposal accords with the relevant local plan policy and is supported accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - E17 (No windows in side elevation of extension)

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

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.

**18 DCNW2004/3925/F - PROPOSED NEW DWELLING AT
LAND ADJOINING EAST COTTAGE, ALMELEY,
HEREFORD, HEREFORDSHIRE, HR3 6LF**

**For: Mr & Mrs Powell Malcolm Harrison & Associates
The Ark Orcop Hill Hereford HR2 8SE**

Date Received:
12th November 2004

Ward:
Castle

Grid Ref:
33352, 51792

Expiry Date:
7th January 2005

Local Member: Councillor John Hope

1. Site Description and Proposal

- 1.1 The application site comprises the northern section of the existing level garden between the detached property known as East Cottage and the highway. This part of the garden has a low mixed hedgerow along the roadside with a mature tree and hedge boundary to the west adjoining neighbouring property.
- 1.2 The amended proposal relates to the subdivision of the garden and erection of a three-bedroom dormer style dwelling. This would be east facing onto Bulls Lane with parking and turning area to the front. The proposed dwelling has a footprint of 13.2m x 7.9 and its widest point, with an eaves height of 2.3m rising to 6.1m ridge height in the main section of the house and reducing to a ridge height of 5.4m to the north (roadside). Two dormer windows would be inserted in the front elevation overlooking Bulls Lane. It is proposed that the dwelling be constructed of red brick and grey interlocking tiles, with stained treated softwood windows.
- 1.3 On request, revised plans have been submitted, reducing the length of the living/dining room and re-siting the dwelling further away from the boundary with the dwellings to the rear. This provides a maximum gap of 4.1m to the boundary reducing to 3.1m to the north. The existing hedges/landscaping that form both the western and northern boundaries would be retained.

2. Policies

Planning Policy Guidance

PPG1 -
PPG3 -
PPG13 -

Hereford and Worcester Structure Plan

H18 – Residential Development in Rural Settlements

Leominster District Local Plan

A52 - Primarily Residential Areas

A53 - Protection from Encroachment into the Countryside

A54 - Protection of Residential Amenity

Herefordshire Unitary Development Plan – Deposit Draft

DR1 - Design

DR4 - Environment

Supplementary Planning Guidance

3. Planning History

- 3.1 NW2004/ 392/F - relocation of garage / workshop – Awaiting decision
- 3.2 NW2004/2154/O – Site for new dwelling – Withdrawn 2nd August 2004. A full application was requested in order to make a full assessment of any development on the area, street scene and on the neighbouring property.
- 3.3 NW2002/1722/F – Proposed conservatory and extension -

4. Consultation SummaryStatutory Consultations

- 4.1 Hyder have no objection subject to conditions

Internal Council advice

- 4.4 Traffic Manager has no objection subject to conditions.

5. Representations

- 5.1 Almeley Parish Council has resolved to make the following comment: The parish council did not support this application. The site is small and a bungalow with dormer windows means that it is closer in size to a house than a bungalow.
- 5.2 Four letters of representation have been received from, Mr and Mrs Woodcock of Stonewell Cottage; Mrs A Ritchie of East Orchard; J Crippah of 25 Bells Orchard and Peter Beresford of Corner House, Almeley. These letters raise the following issues:
 - The dwelling is sited too close to the boundary and will inevitably lead to the loss of the hedgerow / trees
 - The proposed building is of an inappropriate style and is out of character with its immediate surroundings
 - Any such further developments through sub division of post is likely to lead to an over development of the village.
 - The building is too large for the plot, with the name dormer bungalow being another name for a two storey house.
 - The proposal would lead to over looking and light deprivation

- The open character and unique view need to be taken account of. This lane is part of the ancient Almeley settlement and any deprivation of these will affect the overall character of the area.
- The development of this site would lead to the provision of a dwelling with no garden, which is uncharacteristic of the area giving and of appearance of overcrowding. It would remove a green corner which enhances not only the immediate area but the village
- The increase in properties in the village has led to an increasing degradation of the village environment.
- The property would detract from the amenities of the area.
- Request guarantee that the property is sold the hedge would not be removed.

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 proposed development raises a number of issues, including the impact of the dwelling on the character of the surrounding area and street scene, the design of the property and potential impact on the amenities neighbouring properties and highway safety.

6.2 The application site is an open and clearly visible corner site. It cannot be disputed that this proposed dormer style property would have an impact on the immediate street scene. The site levels slope slightly upward towards the north. The site is to be levelled, allowing the dwelling to be set down by approximately 600mm. This will help to reduce the perceived overall height of the dwelling when viewed from the highway. The site is also relatively restricted in size. However it is considered that its position, size and scale of this property coupled with the retention of the hedging and landscaping that forms the external boundaries of the site would allow for the introduction of the proposed dwelling without causing a detrimental impact on the street scene or to the character of the surrounding area.

6.3 The proposed dwelling has an unobtrusive design and has been positioned and designed with a relatively low roofline to minimise impact and form a transition between the two-storey East Orchard and adjacent bungalows. The distance between the proposed dwelling and dwellings to the rear is now approximately 15m, having been increased from 12m to improve the relationship. There are no windows to the rear elevation at first floor level, removing any direct overlooking from the upper floor. The windows have therefore been orientated to the front where there will be no concern. As it is recognised that the site is restricted, it is considered reasonable to include a condition removing permitted development rights, including the introduction of any new windows. This would protect the site from any further structures or alterations without first gaining planning permission.

6.4 The retention of the landscaped area and boundaries between the site and adjacent property as well as along the highway frontage is necessary as these important site characteristics serve to provide screening and have a softening effect. A condition is also included to request details of the type of boundary to be used between East Orchard and the new dwelling.

- 6.5 A separate access from Bulls Lane is proposed, as well as parking and turning area. There are no objections to the access and the parking and turning area proposed provides sufficient off road parking. Conditions are recommended to ensure the provision of safe access and retention of the parking area.
- 6.6 To conclude, it is considered that on balance, having regard to its surroundings, siting and design, the proposed dwelling would be, in conjunction with conditions, an acceptable form of development. As such it is recommended that planning permission be granted with conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: To protect the residential amenities of the neighbouring properties given the restricted nature of the site.

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

Reason: To protect the amenity of local residents.

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

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

9 - **H03 (Visibility splays)**

Reason: In the interests of highway safety.

10 - H10 (Parking - single house)

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

Informatives:

- 1 - N14 - Party Wall Act 1996**
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCNW2004/4321/O - SITE FOR THE CONSTRUCTION OF CHRISTIAN MEETING HALL SITE ADJACENT TO BANLEY FARM OFF EARDISLEY ROAD, KINGTON. HEREFORDSHIRE

**For: Mr P Smith per Mr C Keeton 23 Stockenhill Road
Leominster Herefordshire HR6 8PP**

Date Received:
20th December 2004

Ward:
Kington Town

Grid Ref:
30197, 56069

Expiry Date:
14th February 2005

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises a 0.46 hectare plot of land that lies at the end of Eardisley Road to the west side, opposite the existing dwellings. The site is planted with relatively young trees with a mature native hedge/tree boundary to Eardisley Road and the land to the rear. The northern boundary lies along the access road to Banley Farm and consists of a post and wire fence. Access is currently via a field gate to the north east corner onto Eardisley Road.
- 1.2 The proposal is for Outline Planning Permission for the erection of a Christian Meeting Hall. This would serve the local 'Jehovah Witness' congregation who are currently based at the Kingdom Hall in Bridge Street (formally old cinema). The application reserves all matters for future consideration.
- 1.3 The application site lies outside of the defined settlements boundary for Kington as designated in the Leominster District Local Plan (opposite an established residential area).
- 1.4 It also lies outside of the settlement boundary in The Unitary Development Plan (Deposit Draft). However, a relatively large housing allocation is proposed for the land to the west of Eardisley Road thus bringing the settlement boundary adjacent to this site.
- 1.5 It is also noted that immediately to the north west of this site lies a mix of industrial units. These are accessed via the A4111.

2. Policies

2.1 National Planning Policies

PPS1 – Delivering Sustainable Development
PPS7 – Sustainable development in Rural Areas
PPG13 - Transport

2.2 Leominster District Local Plan

A23 – Creating Identity and an Attractive Built Environment

A24 – Scale and Character of Development

A61 – Community, Social and Recreational Facilities

A66 – Access for the Disabled.

A70 – Accommodating Traffic from Development

A71 – Vehicle Parking Standard for Development away from central shopping and commercial areas and conservation areas.

A75 – Design of vehicle parking areas.

2.3 Unitary Development Plan (Deposit Draft)

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

H2 – Hereford and Market Towns: Housing Land Allocations

CF5 – New Community Facilities

3. Planning History

None

4. Consultation Summary

4.1 Statutory Consultations

None required

Internal Council Advice

4.2 The Traffic Manager makes the following recommendation:

1. Access to be off private/road to Banley Farm
2. Access to be at least 35.0m from junction with Eardisley Road/Banley Farm
3. Access road between Eardisley Road and new site 4.8m minimum width
4. Corner radius of site access road and private load minimum 4m
5. Sufficient car parking should be provided within the curtilage of the site to avoid parking on the highway for private access road

5. Representations

5.1 Kington Town Council make the following comment: 'The site is outside of the development boundary line of Kington. This application if successful will add extra traffic to the Old Earlsley Road, but more importantly the additional vehicles will require parking. We trust that if this application is successful that a car parking area will be within the proposed site.'

5.2 The applicant/agent has provided some additional details and these can be summarised as follows:

Existing Premises

- The congregation meets in the Kingdom Hall, Bridge Street, Kington, formally the old cinema and prior to that the Primitive Methodist Chapel. Difficulties exist in relation to parking and dropping off as there is no dedicated parking to the property. Problems with the property include maintenance access difficulties and unsuitable means of emergency escape.

Congregation Numbers

- Currently a membership of 67 persons of varied age and background.

Use of Proposed Kingdom Hall

- For Christian worship. Use the same as existing Kingdom Hall in Kington Town Centre.
- The Hall will not be used for Social purposes and is not rented out for general use. No alcohol is served on the premises.
- Current regular meetings held in the existing hall in Kington are:
 - One weekly evening public meeting held on regular week night. Duration approx 2 hours.
 - One weekly evening meeting held on regular week night. Duration approx 1 hour.
 - One weekly public Sunday meeting. Duration approx 2 hours.
 - The hall may be used at other times but the above are the regular arrangements.

Indicative Site Layout Plan

- Enclosed for your perusal.
- The Hall would be single storey building. Footprint size approx. 20mx11m.
- Car Parking. 30 no spaces including 3 no disabled person spaces. Given the widely scattered nature of the congregation and the existing practice of offering lifts where possible, it is difficult to see how the current usage of vehicles could be reduced. Indeed, it is for this reason that a sufficient number of car-parking spaces have been shown on the plan. This would avoid any parking of vehicles outside the site on Eardisley Road. Needless to say, a sympathetic attitude to environmental issues would be taken both in the construction and operation of the facility. Plans would specify the retaining of existing hedges and undertaking planting schemes that use native species to screen off buildings and surfacing.
- Access points raised by Highways Officer. Layout has been prepared in accordance with these.
-

5.3 Two letters of representation have been received from Mr & Mrs J Synnock of Banley Farm and D Jones of 35 Eardisley Road, Kington. These letters raise the following points:

1. Potential cars parking on the private drive to which leads to a working farm could cause a conflict if not enough spaces provided on site.
2. Concerns over access and parking down Eardisley Road as already inconvenience from Freemasons at bottom of road.
3. How would a building blend into surrounding.
4. How is the building to be used.

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 Policy A2(D)(IX) allows for development outside of the defined settlement boundary as 'It is a community, social or recreational facility in accordance with Policy A61.' The objectives of Policy A61 are to encourage and permit new facilities as long as they are appropriate in scale to the needs of the local community and reflect the character of the location and are located within or around the settlement within the area they serve. It should also comply with the wider environmental and highway policies contained in Policy A1 of the Leominster District Local Plan.

6.2 Having regard to the above the application site is located adjacent to the settlement boundary of Kington. It is proposed that the 'Christian Meeting Hall' serve the local congregation of approximately 67 members. This would be used as described above (para 3.2). In principle there is no objection to this development.

However, the main issues which cause concern are car parking and impact on the surrounding residential area. An indicative site plan suggests that 30 parking spaces could be accommodated on the site. The indicative plans shows a floor area of 20m x 11m and therefore 22 spaces are required in order to comply with policy A71 of the Leominster District Local Plan. With a congregation of 67, many of them family members, this parking provision is considered adequate to prevent indiscriminate parking on the highway.

6.3 The application, does not provide any details of siting or external appearance (other than the indicative plan). The site has a mature boundary to both the north and east and subject to satisfactory detail and design the introduction of a building in this location is unlikely to harm the quality of the area. Conditions are recommended to ensure boundary treatments and landscaping are included in any forthcoming scheme.

6.4 In terms of highway safety and sustainability, conditions are recommended by the Highways Officer. It is also considered appropriate to provide cycle parking provision on site to encourage alternative modes of transport. A condition is recommended. It is also noted that Eardisley Road benefits from an existing public footpath from a bus route. In addition to this, and in order to promote the concept of 'sustainable travel' a green travel plan condition is suggested – this should encourage the concepts of car share, cycling and walking to the facility.

6.5 To conclude, there are no objections in principle to the edge of town community religious facility subject to the provision of off road parking and access alterations. It is considered that the matters reserved for future consideration can be dealt with satisfactorily and as such this application is recommended for approval with conditions.

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)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 5 - **E06 (Restriction on Use)**
Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.
- 6 - **F18 (Scheme of foul drainage disposal)**
Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 7 - **F32 (Details of floodlighting/external lighting)**
Reason: To safeguard local amenities.
- 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 - **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)**
Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

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.

14 - H29 (Secure cycle parking provision)

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

20 DCNW2005/0295/O - SITE FOR THE ERECTION OF ONE DWELLING AT LAND ADJACENT TO WISTERIA COTTAGE, LEINTWARDINE

**For: Mr L Morgan per Mr S Angell Stone Cottage
Pipe Aston Nr Ludlow Shropshire SY8 2HG**

Date Received:
31st January 2005

Ward:
Mortimer

Grid Ref:
41113, 74204

Expiry Date:
28th March 2005

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a 0.1 hectare plot of land that lies in an elevated position directly opposite (to the east) the applicants property, Wisteria Cottage. The site is currently used as garden associated with the dwelling. A detached workshop lies immediately to the east of this garden and is used by the owner for the storage of vehicles in relation to the applicants hobby as well as for other purposes incidental to the enjoyment of Wisteria cottage. Access to the site is via an existing driveway from the unclassified road that runs between Whitton and Kinton onto an area of hardstanding (turning area). The site frontage is defined by a post and rail fence with herbaceous planting. The site lies outside of any defined settlement boundary and within an Area of Great Landscape Value.
- 1.2 The application requests outline consent for the erection of a single residential dwelling reserves all matters for future consideration. An indicative site plan has been submitted with the application.

2. Policies

Government Guidance

PPS1 – Delivery Sustainable Development
PPG3 – Housing
PPS7 – Sustainable Development in Rural Areas
PPG13 - Transport

Hereford and Worcester County Structure Plan

CTC9 – Development Criteria
A4 – Development Considerations
H20 – Residential Development in Open Countryside

Leominster District Local Plan

Policy A2D – Settlement Hierarchy

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage

DR1 – Design
DR2 – Land Use and Activity
H7 – Housing 1 the Countryside outside settlements

3. Planning History

DCNW2004/3846/0 - Site for the erection of one dwelling - Refused 17th December 2004.

DCNW2004/2051/0 - Proposed holiday Cottage - Refused - 28th July 2004.

DCNW2003/2574/F - Constructed of hobby shed/garage - Approved with Conditions 1st November (erected).

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raises no objection but recommends conditions relating to the submission of foul and surface water drainage details.

Internal Council Advice

- 4.2 Traffic Manager has no objections to the granting of permission subject to conditions.

5. Representations

- 5.1 Leintwardine Parish Council object to the application which is identical to the previous application.

- 5.2 The applicant's agent has previously commented that:
'The dwelling will be designed as Affordable Housing for my client's son. Affordable Housing needs in Leintwardine are non-existent. My client has an established business in Leintwardine and employs his son who has lived in the village all of his life. The son does not want to move away from the village and travel to his place of work and sees this as an opportunity to build an affordable dwelling within an already developed area'.

- 5.3 The owners of Dower House and Dower Cottage (Anne Douthwaite and Susan Wharfe) and have submitted an objection and included copies of letters of objection submitted in respect of the previous applications. These can be summarised as follows:

- The site is outside of the building zone of the village and allowing a property to be built would set a precedent.
- Dwellings in this location, directly opposite existing dwellings, would be aesthetically wrong and out of character with the surrounding area making the area look overcrowded.

- 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 outline consent only and as such the principle of development on the site is the primary issue for consideration. Policy H20 of the Hereford and Worcester Structure Plan, policy A2 (d) of the Leominster District Local Plan and Policy H7 of the Unitary Development plan (revised deposit draft) all state that residential development will not be permitted outside of the defined settlement boundaries unless it accords with certain exceptional circumstances. This is be limited to agricultural/forestry workers dwelling, the re-use of a rural building or a replacement dwelling. The proposed development as submitted does not offer any agricultural or forestry justification is not a replacement dwelling or conversion scheme. As such it clearly fails to demonstrate any of the exceptional circumstances required and as such there is a fundamental policy objection to the proposal.
- 6.2 Policy does allow in some circumstances for the provision of 'affordable housing for local people' on the edge of or within settlement boundaries. In the first instance this application site clearly lies outside of the settlement boundary of Leintwardine and fails to provide a genuine evidence of local need in the form of a housing needs survey or Housing Association Involvement. As such the 'affordable housing' argument raised in the supporting letter is unfounded and cannot be supported.
- 6.3 In addition to the clear in principle policy objection, National Planning Policy in the form of PPG3 – Housing, PPG13 – Transportation and Policies S1, S2, DR2 and DR3 of the Herefordshire Unitary Development Plan discourage development that would place dependence on the private car as the principal mode of travel and promote sustainable forms of development within established settlements.
- 6.4 Notwithstanding the objection in principle to the development. I would also raise concerns relating to privacy, overlooking and landscape impact that a dwelling may have due to the elevated position and context of the site.
- 6.5 To conclude, the proposal is undoubtedly contrary to the national and local plan policies that seek to protect the open countryside by restricting new residential development unless it falls within one of the specified exceptions. The proposal fails to comply with any of these exceptions and as such cannot be supported.

RECOMMENDATION

That the application be refused for the following reasons:

- 1. It is considered that this proposal is contrary to Policy A2(D) of the adopted Leominster District Local Plan, and Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft). The development would constitute new residential development in the open countryside and the Local Planning Authority is of the opinion that the application fails to satisfy any of the specified exceptions criteria.**
- 2. The proposal is considered contrary to Planning Policy Guidance Note : Housing, and Planning Policy Guidance Note 13: Transportation, and Policies S1, S2, DR2 and DR3 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) in that it would reinforce dependence on the private car as the principal mode of travel.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

21 DCNW2005/0306/F - SUBSTITUTION OF HOUSE TYPES ON APPROVED RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, HEREFORDSHIRE

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

**Date Received:
1st February 2005**

**Ward:
Bircher**

**Grid Ref:
44786, 61465**

**Expiry Date:
29th March 2005**

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 dwellings, NW2003/2583/F and has been altered from application DCNW2004/3247/F that was refused by Members on the 5th January 2005 (scheduled for public inquiry appeal for February 2006)
- 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. The revised scheme refused by Members in January, remained linear but revised the siting of plot four resulting in all four dwellings facing east. The dwellings that were proposed in this application were more substantial in scale, complex in design, and have detached garaging, with some elements design features and projections removed.
- 1.4 The application now submitted is for four dwellings of a similar size, scale and design, but with Plot 4 reoriented onto an angle (facing south), as per the originally approved plan. Alterations include the re siting of Plot 3, so that it lies closer to the dwelling on Plot 2, allowing for the reorientation of Plot 4. Boundary treatments have also been shown as a 1.8m close board fence to the boundary with the properties to the rear, and a 1.0m post and rail fence to the field boundary.

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

DCNW2004/3247/F - Substitution of house types on approved application NW2003/2583/F - refused 5th January 2005. Application currently at appeal with a Public Inquiry scheduled for February 2006. The reason for refusal was as follows:

1. *The proposed development, by reason of the scale and size of the proposed dwellings and garages, are considered to constitute the over-development of the site and as such are contrary to Leominster District Local Plan policies A1, A2(c), A21, A23, A24 and A54, together with, Herefordshire Unitary Development Plan policies S2, DR1, DR2, H13 and HBA6.*

2. *The proposed development, be reason of its siting, scale and design would have a detrimental effect on the amenities of the occupiers of adjoining dwelling houses. The proposal is therefore considered contrary to Leominster District Local Plan policies A1 and A54, together with, Herefordshire Unitary Development Plan policies DR1 and DR2.*

3. *The proposed development, by reason of its siting, design and scale, would be harmful to the character and appearance of the Kingsland Conservation Area. The proposal is therefore considered contrary to Leominster District Local Plan policy HBA6.*

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

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - recommend conditions

Internal Council Advice

4.2 Conservation Manager made no comment to the proposal

4.3 Traffic Manager raised no objections.

5. Representations

5.1 Parish Council raises an objection to the proposal as follows:

1. 4 houses were approved with 3 x 3 bed and 1 x 4 bed. This application is equivalent to 6 houses on the same scale. This is a 22% increase in size of development on the footprint of the existing passed plans.
2. The occupancy of the proposed dwellings had increased from 14 to 20 which is over-development of the site.
3. This increases amounts to two additional dwellings, 6 houses would not have gained approval from the local authority on safety grounds – too much vehicle activity on the busiest section of the village road and an increased vehicle splay as a result. This increased splay would have a greater negative impact on the visual amenity, which is the heart of the conservation area in the village.
4. This will overburden the already over-pressured services, for example the sewerage system.
5. There will be an increase in traffic, thus overburdening the infra structure of the village and affecting the environment. The entrance to Stoneleigh crosses a pavement that is used every day by children walking to the Primary School.
6. The increased size of the dwellings will blank out any views from, and are totally overlooking, neighbouring houses and will impact of their right to light.
7. The size of the development inhibits the right to extend for existing properties in the vicinity and will reduce the quiet enjoyment of neighbouring properties.
8. The plans are totally contrary to the adopted Kingsland Parish Plan, going against the housing needs of that Plan.
9. The present application is similar in all essentials to the plan that was rejected by the Authority in January and, as there is no material change, this application should be rejected on the same grounds.
10. The original objections of Kingsland Parish Council have not changed and still apply.

5.2 Jennings Estates have included a supporting letter that can be summarised as follows:

- For the reasons given in your Committee Report on the application the issue of over-development and massing can be satisfied on the basis that (a) the height of the proposed dwellings is in fact less than those permitted on the site, and (b) permitted development rights were not removed on the approved scheme whereas this is proposed in the case of the latest scheme.
- In respect of residential amenity, the proposals respect accepted space about dwelling standards and will have no unacceptable impact on any of the surrounding properties. Indeed, we consider a better relationship is offered to the bungalow to the north west of the site by re-orientating the northernmost plot, compared with the refused scheme.
- The proposals are considered to be of a quality and character that are not discordant with the Conservation Area and offer an interest that may be considered lacking in both the developments to the west and east of the site.

- The proposals have considerable merit and should receive favourable consideration by the Local Planning Authority. We consider that the previous refusal was unreasonable in the merits of the case and that the enclosed resubmission should be approved. Such an approval would avoid the expense of an inquiry and it is requested that you advise the Members of the Local Planning Authority of refusing proposals without proper defensible reasons.

5.3 Objections have been received from:

R Randall, 4 St Michael's Avenue, Kingsland
M Evans, 3 St Michael's Avenue, Kingsland
A Moddocks, 8 Orchard Close, Kingsland

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.

5.4 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 principle of this development, inclusive of 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, as advised previously, 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 In the previous application, one of the area of concerns related to the impact of the dwellings upon the amenities currently enjoyed by the surrounding occupiers. The dwellings although relatively large in scale, are not cramped in relation to the plot sizes and the physical relationship between the dwellings is little different to that found on Orchard Close to the east. It should also be noted that the ridge heights are in fact lower than those of the approved dwellings. The dormer style design concept also aids the visual reduction in apparent scale.

- 6.4 The approved plans included attached garages, whilst the revised plans show detached garaging. The footprint of the dwellings now being considered are only marginally larger than those approved. This therefore adds to the overall massing and built form of the development. 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. 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.
- 6.5 By revising the plans and reverting L shaped formation the perceived impact of the linear of form of the dwellings has been addressed. 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 also reduce the any impact of this dwelling on its respective neighbours. 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.
- 6.6 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.
- 6.7 Conditioning in line with the original development is proposed, together with the removal of Permitted Development Rights.
- 6.8 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)

Reason: In the interests of highway safety.

11 - H05 (Access gates)

Reason: In the interests of highway safety.

12 - The first section of the new roadway to the rear of Stoneleigh 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 – NDO3 – 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.

22 DCNW2005/0410/F - REMOVAL OF EXISTING BUNGALOW AND REPLACE WITH TWO COTTAGE STYLE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE

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

Date Received:
10th February 2005

Ward:
Kington Town

Grid Ref:
28870, 56953

Expiry Date:
7th April 2005

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The dwelling known as 'Sunnydale' is a detached 'Woolaway' type single storey dwelling located in a prominent and elevated position on a steeply sloping 0.26 hectare plot of land facing west onto the adjoining roadside boundary.
- 1.2 There are other dwellings located to the north and south of the application site, these properties are 'cottage like' and of a more traditional built form than the dwelling subject to this applications. To the east of the application site the land rises steeply on the boundary of which is attractive mature deciduous woodland.
- 1.3 The Leominster District Local Plan identifies the location as being outside the Kington Conservation Area, and within the development limits of the settlement, in an area designated as an area of important open space and the specially designated area of Broken Bank.
- 1.4 The application seeks permission for demolition of the existing dwelling and garage and construction of two detached cottage style dwellings and attached garages of external render construction under slate roofs. It is proposed to construct both these dwellings alongside one another further down the slope in front of the existing dwelling that is to be demolished. Once demolished it is proposed to regrade the land the existing property stands on, to blend in with the existing contours of the vicinity. It is proposed that the remaining land to the rear of the existing dwelling is to be retained as open space.

2. Policies

- 2.1 **Hereford and Worcester County Structure Plan**
CTC9 – Development Requirements
- 2.2 **Leominster District Local Plan (Herefordshire)**

A1 – Managing the District's Assets and Resources
2(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

2.3 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, Woodland and Hedgerows
LA6 – Landscaping Schemes
HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

- 3.1 NW04/3353/F - Removal of existing bungalow and garage, proposed three cottage type dwellings - Refused planning permission on 26th January 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raises no objections subject to the attachment of a condition with regards to foul drainage to any approval notice issued.

Internal Council Advice

- 4.2 Landscape Manager raises no objections.
4.3 Traffic Manager raises no objections.

5. Representations

- 5.1 Kington Town Council object to the proposed development on the following grounds:

'Kington Town Council objected to the earlier proposal for three dwellings and garages on this site to replace one bungalow. The Town Council objected on the following main grounds:

1. Over-development on a site that is designated as a Protected Open Area, outside the established residential area.
2. The site is part of the historic medieval castle tump which itself stands within the Saxon area of the Town.

3. KTC registered, through the UDP, an objection that the Conservation Boundary be redrawn to include this old historic part of the Town.

Those grounds form our objections to the application for two houses on this site and we make the following comments:

1. The number of dwellings has been reduced to two but this is still one more than a replacement of the single dwelling presently on the site; furthermore the footprint of the two is greater than that of the current bungalow, and the two storey height will occlude much of the view of the green space to the rear.
2. K8 (Leominster District Local Plan 1999). We have examined this carefully and cannot understand why it should not be taken as the over-riding reason for refusing an application to build a new development on this site.
To quote. "DEVELOPMENT WILL **NOT** BE PERMITTED WITHIN THIS AREA **EXCEPT** WHERE IT COMPRISES ALTERATIONS AND EXTENSIONS TO EXISTING PROPERTY **AND** IT PRESERVES OR ENHANCES THE CHARACTER AND APPEARANCE OF THE AREA."

How are the two proposed new dwellings either alterations or extensions to an existing property, and how are they likely to preserve or enhance the character and appearance of the area? Why have officers used AND to mean OR? We accept that if the bungalow is demolished the appearance of the area will be improved; if replaced by one new dwelling there might possibly be no further degradation, but we do not believe that it will enhance the area.

We believe it is important point of principle that Herefordshire Council should adhere to its own Planning Principles unless that are verifiable exceptional circumstances; we do not believe that there are any such here. No evidence of need/demand etc has been produced. The application is purely for commercial reasons. Granting permission would allow a principle that is intended to ensure that developers in sensitive areas are strictly controlled to become subordinate to a commercial interest. If, in the knowledge of K8 the application is allowed, a precedent will be set with serious implications for future cases, and the judgement of the decision makes open to question.'

- 5.2 Kington Rural and Lower Harpton Group Parish Council also object to the proposed development and state in their response:

'The members of the Council have now had an opportunity to consider the application and would respond as follows:

1. The members feel that Policy No. K8 of the Leominster District Plan which is still in operation is the only point worthy of mention. This Local Plan policy is a policy of Herefordshire Council and the members of the Council believe that as this was put in place on the plan and should be rigidly adhered to in order to preserve the area of Broken Bank. Therefore the members object to any development on this site.
2. The members also would like to reiterate the points raised in the original application (26/10/04) for the site which are printed below.
 - A. The members of the Parish Council agree and support all the points raised by Kington Town Council.
 - B. The members would like to reiterate two points. A. This application amounts to over-development of the site. The members disagree with the 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.

5.3 A total of four of objections have been received from the following members of the public.

Mr M & Mrs S Otter, Riverside Cottage, 16 Floodgates, Kington
M G & A D Bull, 3 Newton Road, Newton Lane, Kington
Mr G Peake, 13 Floodgates, Kington, Herefordshire HR5 3NE
R & Mrs L Funnell, Laburnum Cottage, Floodgates, Kington, Herefordshire HR5 3NH

5.4 The objections from the public can be summarised as follows:

- Concerns that the proposed development is contradictory to Policy K8 - Broken Bank of The Leominster District Local Plan.
- The area is currently under consideration in the Unitary Plan for inclusion into the Kington Conservation area and that any proposed development should be put on hold until this matter is decided.
- The style of the proposed development is out of keeping with the surrounding existing built form.
- Loss of light to neighbouring property.
- Height of proposed development is too high in relationship to existing properties.
- Insufficient off street car parking, and the public highway leading to the site is too narrow.
- Concerns about development at this site considering previous enquiries resulted in advice given that no development or demolition would be allowed at this location.

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 Members will recall an application at this location for removal of existing bungalow and garage, proposed three cottage type dwellings, at Committee on 26th January 2005. Members refused the application and were mindful to support an application for two dwellings rather than three. Policy K8 in the Leominster District Local Plan was taken into consideration, but not considered to constitute a reason for refusal.

6.2 This current application is clearly locally sensitive with concerns as outlined above. The key issues for consideration with this application for two cottage style dwellings, are:

6.3 The principle of infill development on the site

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 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 bungalow that is not typical of the surrounding built environment is considered to provide a basis for supporting redevelopment in the Broken Bank area where proposal K8 limits development proposals.

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.

6.4 The impact of the scale and character of development upon the site and its surroundings

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.

Proposal K8: Broken Bank of the Leominster District Local Plan (Herefordshire) states that development will not be permitted except where it compromises alterations or extension to existing property and it preserves and enhances the character and appearance of the area.

It is acknowledged that a strict interpretation of this policy would rule out the replacement of the existing bungalow let along the redevelopment of the site. However, having regard to the application site it is recognised that the siting and appearance of the bungalow is out of keeping with character of the Broken Bank area. It is therefore considered that the repositioning of the development would bring the site more into line with the general grain of the area whilst returning the more elevated area as viewed from the north to open grassland that would benefit from conditional control over domestic paraphernalia.

In the light of this specific site it is therefore advised that there is scope to support this proposal in view of its enhancement of the area when considered in relation to the requirements of Proposal K8.

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.

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. The previous application was supported by the Conservation Manager.

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.

Archaeological issues were referred to in the previous application for the site 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.

6.5 The impact upon the residential amenities of neighbouring properties

The flank elevations do not necessitate the introduction of windows other than one serving a WC on the end side elevation of Cottage No. 2 to which it is proposed to use obscure glazing 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.

The proposed dwellings whilst being taller are sufficiently distant from the neighbouring properties so as to avoid unacceptable overshadowing or overbearing impacts upon them.

6.6 Off-Street Car Parking and Access Issues

No objection is raised by the Traffic Manager 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.

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.

6.7 The applicants have reduced the original proposed number of dwellings on site from three to two, both these will enhance the surrounding built environment and are more in-line with the existing street scene than the present dwelling on site, that is located half way up the hill, from other properties. Therefore considering the proposal against the existing built form and Committee's previous stance being mindful to support an application for two rather than three dwellings, it is recommended that this application is supported subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

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

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

5 - C05 (Details of external joinery finishes)

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

6 - D03 (Site observation - archaeology)

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

7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 - F18 (Scheme of foul drainage disposal)

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

9 - F48 (Details of slab levels)

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

10 - 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 - 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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

23 DCNW2005/0535/F - RETROSPECTIVE APPLICATION FOR AN AREA OF HARDSTANDING AT 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6ND

For: Mrs S Harris of Pine Tree Cottage, 7 Church Road, Eardisley, HR3 6NJ

Date Received:
21st February 2005

Ward:
Castle

Grid Ref:
29992, 50940

Expiry Date:
18th April 2005

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 This retrospective application is for the retention of an area of hardstanding which has been laid adjacent to the field gate. The proposed area of hardstanding forms a 3m wide strip from the gate along the field boundary for a length of 20m. It then forms an 'L' Shape with a 10m x 10m turning area. The hardstanding has been laid to improve vehicular access to the site and assist in the care of the horses to be kept in the field.
- 1.2 The 'L' shaped area 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

DCNW2004/3597/F - Proposed 2 stables and tack room on 3.2 acres of land - Refused 26th January 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Traffic Manager – 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 applicant has submitted a supporting letter with the application and this can be summarised as follows:
A hardstanding is required to look after my horse properly.
As there is now no storage I have to drive to the field every day with food for my horse and my tack so that I can ride.
A firm surface is required for the farrier to shoe the horse (every 8 weeks).
When it is wet and muddy a firm surface is required to tack horse ready to ride.
Required for the delivery of hay to the field or for visiting vet to pull off road.
- 5.3 Letters of objection have been received from the following:

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
Mr E C Williams, The Bower, Eardisley
Mr and Mrs V. J Stephens, Lower Welson, Eardisley

In summary the points raised are as follows:

- Absolutely opposed to the area of hardstanding already set in place or to any mobile or permanent structure that might follow as a consequence.
- Impact on the visual quality of the area.
- Presume that the hardstanding is intended to support some kind of structure to which I would object.
- Concern at 'retrospective' nature of development.
- Scenic views destroyed
- Concerns over number of horses on public highway

The consultation period expires on the 24th March 2005 and Members will be verbally updated with any further representations.

- 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. In January their proposal for provision of stables on the land was refused by Committee Members but the applicant still intends to keep their horses on this land.

The hard surface which is proposed is required by the applicant to provide a suitable area for parking and caring for the horses each day. This would also prevent additional mud on the highway.

- 6.2 The hard surface, at present in its newly laid state could be considered to be a fairly obvious addition to the landscape. However it is clear that over time, with weathering and use this will blend with the field and will not be prominent in the landscape and will be viewed against a backdrop of a mature hedgerow. The laying of this hard surface would prevent this from occurring. The proposal is minimal in nature and it is difficult to argue that it has a detrimental effect on the character of the surrounding open countryside. It should also be noted that the field entrance, with daily vehicular use (as now required) is likely to become muddy and may lead to hazardous mud on the highway.
- 6.3 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. Members should also be made aware that mobile field shelters (Chattels) can be used in most cases without the need for planning consent.
- 6.4 In conclusion, the proposal is of a small scale. It is a minimal amount of hard surface which although currently noticeable, would not have any long term demonstrable impact in terms of the appearance of the wider landscape. It therefore accords with policy and the application is recommended for approval.

RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**24 DCNC2005/0024/F - FIRST FLOOR EXTENSION TO
SIDE OF DWELLING AT 23 OLDFIELDS CLOSE,
LEOMINSTER, HEREFORDSHIRE, HR6 8PY**

For: Ms S Singleton of same address

Date Received:
6th January 2005

Ward:
Leominster North

Grid Ref:
49244, 59304

Expiry Date:
3rd March 2005

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

1. Site Description and Proposal

- 1.1 This application is for a first floor extension to the side of the property to provide additional bedrooms. The building is a detached residential dwelling on Oldfields Close, a residential area of Leominster.
- 1.2 The proposal would add a fourth and fifth bedroom above what is currently the garage, which is currently single storey to the side of the dwelling.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
A2 – Settlement Hierarchy
A24 – Scale and Character of Development
A52 – Primarily Residential Areas
A56 – Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DDR1 – Design
DR2 – Land use and activity
H1 – Hereford and market towns: Settlement boundaries and established residential areas
H18 – Alterations and extensions

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

4.2 Traffic Manager: Recommends permission with the following condition:

H10 (Parking): 'The development hereby permitted shall not be brought into use until an area has been laid out within the curtilage of the property for the parking of 3 cars (garage plus 2 parking spaces), which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.'

5. Representations

5.1 Parish Council: Recommend approval.

5.2 There have been no responses from neighbour notification.

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 Code of Conduct for Members and Officers dealing with planning matters requires this application to be reported to this Committee.

6.2 The relevant issues regarding this application are the Code of Conduct as mentioned above, and the following policies in the Local Plan:

- A24 – Scale and Character of Development
- A32 – Primarily residential areas
- A56 – Alterations, Extensions and Improvements to Dwellings

6.3 The proposal is for a first floor extension to the side of the dwelling above the existing garage and utility. This would use no additional ground floor space and proposes to follow the design of the existing property. As such this application is deemed to be of an appropriate scale and character to the original dwelling and local residential area and in accord with Leominster District Local Plan Policy A24.

6.4 As an existing residence in a residential area, the proposal is appropriate to the setting and in accord with Policy A52 of the Leominster District Local Plan.

6.5 The proposed extension is deemed appropriate in terms of Policy A56. It does not overwhelm the original structure, or result in a cramped development. Due to its precise location in the site it also causes no detrimental impact on neighbouring properties.

6.6 In transportation terms, it is possible to fulfil the Traffic Manager's recommendation of the provision of 3 car spaces (1 garage + 2 parking spaces) on site, thus fulfilling this consultee's request.

- 6.7 The proposal is considered to comply with policies of the Leominster District Local Plan and of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). There have been no concerns raised about the application either on policy grounds, from consultations or from publicity of the application.
- 6.4 In conclusion, the proposal is appropriate in the scale and the proposed development is not overly visually prominent, nor will it have any adverse impact on the appearance of the building or the wider residential area. 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 - A06 (Development in accordance with approved plans)**

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

- 3 - The development hereby permitted shall not be brought into use until an area has been laid out within the curtilage of the property for the parking of 3 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.**

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

25 DCNC2005/0055/F - PROPOSED FARMHOUSE AT LOWER POOL FARM, LEYSTERS, HEREFORDSHIRE, HR6 0HN

For: Mr & Mrs N Greener per Mr D Dickson, 101 Etnam Street, Leominster, Herefordshire, HR6 8AF

Date Received:
10th January 2005

Ward:
Upton

Grid Ref:
55310, 63364

Expiry Date:
7th March 2005

Local Member: Councillor J Stone

Introduction

This application was deferred at the last meeting of the Sub-Committee for the submission of amended plans that deleted reference to the fisherman's mess/restroom.

1. Site Description and Proposal

- 1.1 Pool Farm is a 22.23 hectare (approximately 55 acres) agricultural unit located on the south-east side of the A4112. There is a range of livestock and storage buildings adjacent to the farm drive and alongside this is temporary living accommodation. The site is located in open countryside.
- 1.2 Amended plans have been received which proposes a 2-storey, 4-bedroomed farmhouse with sitting room, dining room, kitchen/breakfast room. Utility, farm office with shower room and toilet and cloakroom on the ground floor, and detached 3-bay garage/car port to be located on the north side of the farm buildings.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A.2 – Settlement hierarchy
- A.24 – Scale and character of development
- A.43 – Agricultural dwellings

2.2 Hereford and Worcester County Structure Plan

- A4 – Agricultural dwellings
- CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- H8 – Agricultural and forestry dwellings and dwellings associated with rural businesses

- 2.4 PPS1 – Delivering Sustainable Development
PPS7 – Sustainable Development in Rural Areas

3. Planning History

NC2002/2371/F - Temporary siting of 2 portacabin type structures to provide living accommodation. Approved 7.11.02.

NC2002/2372/F - Extend existing pool for fishing. Approved 30.10.02.

NC2003/0670/F - Retrospective application for siting of a residential caravan. Approved 28.4.03.

NC2003/1304/F - Amend siting of fishing pool. Approved 25.6.03.

DCNC2004/2689/F - Proposed farmhouse. Refused 30.9.04 for the following reason:

'The proposed dwelling, in view of its overall size, is not considered to be commensurate with the functional need of the farming enterprise and, as such, the future occupation of the property, in accordance with the occupancy condition, would be compromised due to the relatively high value of such a property. Consequently, the proposal is contrary to the advice set out in Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas and Policy A43 of the Leominster District Local Plan (Herefordshire).'

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: No in principle objection.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Leysters Parish Council: 'The smaller size of the revised application meets with our approval and is more appropriate. However our previous comments made on the application dated 18.8.04 particularly in reference to screening and the agricultural tie still apply.'

5.2 The applicant has said:

a) An application for a farmhouse has been previously refused under delegated powers, DCNC2004/2689/F, refers. An appeal has been lodged. The refusal was because of the size of the proposed dwelling not being commensurate with the functional needs of the holding.

b) Since the refusal, the farmhouse has been redesigned and clear divisions drawn between what is essential to the management needs of the farm and the accommodation required for family habitation. The reduction in size is by 25%.

c) The accommodation will also provide facilities for visiting fishers.

d) Planning permissions exists for a fishing pool, NC2003/1304/F. The landscaping for the pool has been agreed and commenced with the removal of an overhead electricity line.

e) It is appreciated that, strictly speaking, the pool and fishing activities cannot be considered farming but they do come under the heading of tourism and recreational activities. Once constructed and stocked, this side of the farm enterprise will generate employment and further income, not only from fishing but also from bed and breakfast accommodation.

f) It is appreciated that the formula for which the size of any farm dwelling is calculated is imprecise and that the calculation is loosely based on the profit generated from the farming activities being sufficient to pay a mortgage for the size of the dwelling proposed.

g) It is, in our opinion, inequitable to make a judgement on this kind of application by assessing what is commensurate with the needs of the holding. What about long-term management plan for the farm, the family requirements, the finances of the farm and those of its owners?

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 has been submitted following the refusal of DCNC2004/2689/F where it was considered the proposed farm dwelling was of a size not commensurate with the agricultural needs of the holding. An appeal has been lodged against that decision and awaits determination.

6.2 Planning permission has been granted for temporary living accommodation on this agricultural unit, NC2002/2371/F refers, and subsequent approval under NC2003/0670/F. The permissions were granted for the applicant to establish an agricultural functional need in accordance with the requirements of PPG7, now PPS7. Notwithstanding the applicant's opinion at (g) above, the PPS requires any dwelling for agricultural purposes to be commensurate in size with the established functional requirements of the holding. The PPS does not provide a definition of commensurate. However, the PPS continues, "dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted". As a rule of thumb, officers consider that farm dwellings should not exceed 120 sq m, a floor area that has been upheld on appeal elsewhere. It is the requirements of the farming enterprise, rather than those of the owner or occupier, that are relevant in determining the size of the dwelling that is appropriate to a particular holding. The dwelling proposed in this application has a total floor area of 149 sq m having been reduced from 245m². However, in the opinion of your officers the dwelling remains too large. The garage/carport is some 64m². The applicant has not given any justification as to why a dwelling of the size proposed is essential to the agricultural needs of the enterprise. The fishing lake does not form part of the agricultural needs.

- 6.3 Given the limited size of the holding, a little over 22 hectares, it is not considered the dwelling is commensurate in size to the agricultural needs of the enterprise. The matter of commensurate size is important not only as a means to prevent inappropriately large dwellings in the countryside, but to ensure the affordability of the dwelling, an important factor in ensuring the long term retention of housing for the agricultural community.
- 6.4 In terms of siting only the proposal is considered acceptable in that it will be located adjacent to farm buildings.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 The proposed dwelling, in view of its overall size, is not considered to be commensurate with the functional need of the farming enterprise and, as such, the future occupation of the property, in accordance with the occupancy condition, would be compromised due to the relatively high value of such a property. Consequently, the proposal is contrary to the advice set out in Annex A of Planning Policy Statement 7 - Sustainable Development in Rural Areas, and Policy A43 of the Leominster District Local Plan (Herefordshire).**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

26 DCNC2005/0062/F – NEW BUILD FAMILY CENTRE AT REAR OF TOP GARAGE, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QU

**For: Hope Family Centre per Property Services
Herefordshire Council Franklin House 4 Commercial
Road Hereford HR1 2BB**

Date Received:
10th January 2005

Ward:
Bromyard

Grid Ref:
64469, 53876

Expiry Date:
7th March 2005

Local Member: Councillors P J Dauncey and B Hunt

Introduction

This application was deferred at the last meeting of the Sub-Committee for Officers to consider amended plans that proposed the erection of a 2.5metre high, galvanised palisade fence along the boundary to Panniers Lane. Since the meeting further amended plans have been received which now propose to re-locate the building towards the western boundary of the site, vehicular access off the Hereford Road, a 2metre high timber fence to replace the leylandii trees on the northern boundary and a 2metre welded mesh fence to the western and southern boundaries.

1. Site Description and Proposal

- 1.1 The site is located on the west side of the A465, Hereford road, and on the north side of Top Garage. There is a high conifer hedge to the north, beyond which is Touchwood and Cliff Morris Haulage Yard. Bromyard High School is further along.
- 1.2 This application proposes to relocate a single storey building that will accommodate family rooms, creche and offices to be used in connection with Hope Family Centre, an organisation that provides assistance to disabled people. The application proposes to re-locate the building close to the boundary with Panniers Lane, and adjacent to the a strage building on the adjoining haulage yard. Access off Hereford Road and parking for 10 vehicles, including a 2 disabled parking bays is also proposed.

2. Policies

2.1 Malvern Hills District Local Plan

Landscape Policy 1 – Development outside settlement boundaries

2.2 Hereford and Worcester County Structure Plan

CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 - Design
LA5 – Protection of trees, woodlands and hedgerows
CF5 – New community facilities

2.4 PPS1 – Delivering Sustainable Development**3. Planning History**

MH94/0499 - Restaurant and bedroom block. Refused 2.8.94.
Appeal allowed 6.3.95.

MH94/1172/O - Restaurant. Approved 25.10.94.

NC2003/2440/F - Family centre. Approved. 2.12.03.

DCNC2004/1515/F - Variation of condition 3 – relocation of access. Approved 12.7.04.

4. Consultation SummaryStatutory Consultations

4.1 Welsh Water: No objection.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Bromyard and Winslow Town Council: “My Council objected to the siting of the building proposed as shown on the submitted layout plans on the grounds that being so close to the neighbouring dwelling to the north east and having regard to the intended use of that building the development proposed would harm the amenities of that neighboring dwelling.”

5.2 Bromyard and Winslow Town Council – Amended plan: In support of this application subject to the following condition: that the 30mph speed limit exercised to the east of that proposed site on the A465 be extended westward to include the access to the family centre thereby improving traffic safety at this junction.

5.3 Avenbury Parish Council: support this application.

5.4 Letters of objection has been received from:

Eleanor Morris, Touchwood, Panniers Lane, Bromyard
CT Morris, Touchwood, Panniers Lane, Bromyard

a) The windows and entrance of the building look directly into my garden and the children's play area is less than 6ft wide bordering directly onto my garden and my own children's play area.

- b) No provision has been made for fencing to keep the users of the Family Centre away from private residential land and to prevent nuisance and trespass.
 - c) It will cause substantial impact on the quiet enjoyment of our home.
 - d) There is no provision for landscaping.
- 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 This application is for the relocation of the Hope Family Centre building approved under NC2003/2440/F. The application proposes to re-locate the building close to the boundary with Panniers Lane, adjacent to a storage building on the adjoining Cliff Morris Haulage Yard. The amended plan also proposes access off the Hereford Road, 2metre high timber fence to replace the leylandii trees that run along the northern boundary and 2metre high welded mesh fences to the western and southern boundaries. Given that planning permission has already been granted for a family centre building in this locality, there is no objection to the principle of relocation of this building.
- 6.2 The fences that are proposed to be erected along the northern, western and southern boundaries are of a height so as not to require planning permission.

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) (1 March 2005)

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

3 - A12 (Implementation of one permission only)

Reason: To prevent over development of the site.

4 - D01 (Site investigation - archaeology)

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

5 - G04 (Landscaping scheme (general))

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

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

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

7 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

8 - H03 (Visibility splays) (2.4m x 215m)

Reason: In the interests of highway safety.

9 - H05 (Access gates) (5m)

Reason: In the interests of highway safety.

10 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

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

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

12 – H29 (Secure cycle parking provision)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

27 DCNC2005/0341/F - PROPOSED 2 NO. 2 BEDROOMED COTTAGES WITH 4 NO. PARKING SPACES AT LAND TO THE REAR OF 3 LITTLE HEREFORD STREET, BROMYARD, HEREFORDSHIRE, HR7 4DE

For: Mr K Handley per Linton Design Group 27 High Street Bromyard Herefordshire HR7 4AA

Date Received:
4th February 2005

Ward:
Bromyard

Grid Ref:
65395, 54566

Expiry Date:
1st April 2005

Local Member: Councillors P J Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 The site, a vegetable plot, is located to the rear of Handley Funeral Directors and on the north side of a narrow, unmade private road that leads to Appleby, a chalet style bungalow. The site is located in the Bromyard Conservation Area and within a primarily residential area, as shown on Inset Map No. 13.1 Bromyard, in the Malvern Hills District Local Plan. Fir trees bound the frontage of the site.
- 1.2 This application proposes a pair of two-bedroomed semi-detached dwellings with kitchen, living room and toilet on the ground floor. Four parking spaces are proposed to the side of the plot. The fir trees along the frontage are to be removed.

2. Policies

2.1 Malvern Hills District Local Plan

Conservation Policy 2 – New development in Conservation Areas
Conservation Policy 6 – Protection of Listed Buildings
Conservation Policy 11 – The setting of Listed Buildings
Housing Policy 17 – Residential standards

2.2 Hereford and Worcester County Structure Plan

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

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA4 – Setting of Listed Buildings
HBA6 – New development within Conservation Areas

- 2.4 PPS1: Delivering Sustainable Development
PPG3: Housing
PPG15: Planning and the Historic Environment

3. Planning History

3.1 None.

4. Consultation SummaryStatutory Consultations

4.1 Hyder: No objection.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Conservation Manager: No in principle objection, but concerns regarding design.

4.4 Landscape Officer: No objection.

5. Representations

5.1 Bromyard and Winslow Town Council: Agreed to support this application.

5.2 Letter from Roy and Frankie Denness, Appleby, Little Hereford Street, Bromyard:

- a) We hope the plan will be adhered to.
- b) Parked vehicles attending the Funeral Directors can often congest the single track to the site. We hope this will not get worse.

5.3 Letter of objection from C J Grover, Nunwell House, 6 Pump Street, Bromyard:

- a) Little consideration to the siting of the building in relation to immediate neighbours.
- b) The dwellings will directly overlook onto the gardens of Nos. 4 and 6 Pump Street.
- c) The felling of the trees is for the convenience of the builder.
- d) The trees add to the general boskiness and the treescape of the area.
- e) They make pleasant viewing and provide good habitat for garden birds.
- f) The dwellings are plain.
- g) If the trees can be retained I would not object to the proposal.

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 site is located in Bromyard Conservation Area where special attention must be given to the desirability of preserving or enhancing the character or appearance of the area, the character being derived from the variety of architectural styles present. The site is to the rear of Handley Funeral Directors, a collection of Victorian buildings, and Appleby, which is further along the private road, a modern chalet style dwelling.

- 6.2 Notwithstanding the comments of the Historic Buildings Officer, the proposal is of a similar style to that recently approved at the rear of the Bay Horse Public House. It is not considered that these dwellings are detrimental to the characteristics of the Conservation Area.
- 6.3 The site is also located in a primarily residential area, as shown in the Malvern Hills District Local Plan, establishing the principle of housing development.
- 6.4 The fir trees that bound the site frontage are shown to be removed. However, they are not native species or specimen trees and the Landscape Officer has no objection to their removal. The loss of these trees will not harm the characteristics of the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - A06 (Development in accordance with approved plans) (drawing no. 1188/1)**

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

Informative:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

**28 DCNC2005/0413/F - CHANGE OF USE FROM
RESIDENTIAL CARE HOME TO BED &
BREAKFAST/GUEST HOUSE ACCOMMODATION AT
2 PIERREPONT ROAD, LEOMINSTER,
HEREFORDSHIRE, HR6 8RA**

For: Mrs S Hill at same address

Date Received:
10th February 2005

Ward:
Leominster North

Grid Ref:
48899, 59085

Expiry Date:
7th April 2005

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

1. Site Description and Proposal

- 1.1 Site is the former Hollymount Residential Care Home, a large red brick building under a clay tiled roof, located on the north side of Pierrepont Road, close to the junction with Green Lane.
- 1.2 The site is located in a primarily residential area as shown on Inset Map No.1, Leominster, in the Leominster District Local Plan.
- 1.3 This application proposes the change of use to Bed & Breakfast/Guest house accommodation.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A.1 - Managing the districts assets and resources.
A.2 - Settlement hierarchy.
A.52 - Primarily residential areas.
A.54 - Protection of residential amenity.

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S.8 - Recreational, sport and tourism.
RST1 - Criteria for recreation, sport and tourism development.
RST12 - Visitor accommodation.

- 2.3 PPS1 - Delivering Sustainable Development.

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions.

4.3 Head of Environment Heath and Trading Standards: No adverse comments.

5. Representations

5.1 Leominster Town Council: Recommends approval.

5.2 Letters of objection have been received from:

W.H. Harris, Rippon, Green Lane, Leominster.
Miss. M. Masters, Pentwyn, Green Lane, Leominster.
Miss. F. Davies, Hillcroft, Green Lane, Leominster.

a) This is a quiet residential area and the increased noise levels will be unacceptable.

b) Extra traffic will cause pollution and noise.

c) Suspicious that the property will become a hostel for homeless and DHSS clients.

d) Parking is the major concern as Pierrepont Road is already congested.

e) Residents show regard for the peace and tranquility of the area, we would not like to see any other use over and above the bounds of the present application.

f) Overlooking will cause loss of residential amenity.

5.3 The applicant has said:

'Our purpose is to be a Bed & Breakfast/Guest house accommodation within a residential area close to local amenities'.

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 Guest houses are considered a use whose main function is the provision of serviced sleeping accommodation and meals on a short-term basis, often limited to Bed & Breakfast, and not normally used by non-residents.

6.2 The site is located in a primarily residential area as shown on Inset Map No.1, Leominster, in the Leominster District Local Plan and was previously in multiple occupation as a care home. It is not considered the use of the building as a guest house will have a material change to the character of the area.

6.3 There is car-parking available within the application site.

6.4 Consequently, the proposal is considered to be acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - E06 (Restriction on Use) (Bed & Breakfast/Guest House) (C1)

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

3 - H14 (Turning and parking: change of use - domestic) (14)

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

4 - H29 (Secure cycle parking provision)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

