

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 20th April, 2005**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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

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

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**County of Herefordshire  
District Council**



# AGENDA

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

To: Councillor J.W. Hope MBE (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

	<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 22
To approve and sign the Minutes of the meeting held on 23rd March 2005.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	23 - 26
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
<b>5. APPLICATIONS RECEIVED</b>	
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
Agenda item 6 is an application deferred for a site inspection at the last meeting and items 7 to 18 are new applications.	
<b>6. DCNW2005/0295/O - WISTERIA COTTAGE, LEINTWARDINE</b>	27 - 30
Site for the erection of one dwelling.	
<b>7. DCNW2004/3810/F - REDUNDANT THRESHING BARN ADJACENT TO THE LION INN, WOONTON, ALMELEY, HEREFORDSHIRE</b>	31 - 38
Proposed barn conversion to one house.	

8.	<b>DCNW2005/0326/F - BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RU</b>	39 - 46
	Conversion of barns into seven dwellings.	
9.	<b>DCNC2004/1540/F - UPPER HORTON FARM, EDWYN RALPH, BROMYARD, HEREFORDSHIRE</b>	47 - 50
	Resiting of previously approved bungalow (Planning permission MH1243/76).	
10.	<b>DCNC2005/0062/F - REAR OF TOP GARAGE, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QU</b>	51 - 56
	New build family centre.	
11.	<b>DCNE2004/2447/F &amp; DCNE2004/2449/F - BATCHCOMBE FRUIT FARM, STORRIDGE, MALVERN, HEREFORDSHIRE, WR13 5ES</b>	57 - 62
	Conversion of barn to single dwelling.	
12.	<b>DCNE2005/0223/F - COSY COTTAGE, BADDYMARSH FARM, LOWER EGGLETON, LEDBURY, HEREFORDSHIRE, HR8 2UH</b>	63 - 66
	The erection of a polytunnel (27.5m long x 16.0m wide).	
13.	<b>DCNE 2005/0362/F - FORTUNES GATE, PETTY FRANCE, LEDBURY, HEREFORDSHIRE, HR8 1JG</b>	67 - 70
	Proposed two storey extension.	
14.	<b>DCNE2005/0492/F - LAND OFF QUEENS COURT, LEDBURY, HEREFORDSHIRE</b>	71 - 76
	Erection of three cottages.	
15.	<b>DCNE2005/0605/F - NEWTOWN INN, LOWER EGGLETON, LEDBURY, HEREFORDSHIRE, HR8 2UG</b>	77 - 84
	Proposed 10 bed accommodation block for use with existing inn facilities.	
16.	<b>DCNE2005/0638/F - AMCOR FLEXIBLES, LOWER ROAD INDUSTRIAL ESTATE, LEDBURY, HEREFORDSHIRE, HR8 2DJ</b>	85 - 90
	Proposed warehouse extension and a section of raised roof.	
17.	<b>DCNC2005/0709/F - LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ</b>	91 - 96
	Demolition of existing home and new build extra Care Home and Day Centre, with associated facilities.	
18.	<b>DCNE2005/0718/RM - SEVERN ACRE RIDING SCHOOL, HAM GREEN, MATHON, MALVERN, HEREFORDSHIRE, WR13 5PQ</b>	97 - 102
	Erection of dwelling for use of equine worker.	
19.	<b>DATE OF NEXT MEETING</b>	
	To note that the next meeting will be held at 2:00 pm on Wednesday 18th May 2005	

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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 March, 2005 at 2.00 p.m.**

**Present:** Councillor J.W. Hope MBE (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, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton and J.P. Thomas

**In attendance:** Councillors P.J. Edwards

**209. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors T.M. James and R.J. Phillips.

**CHAIRMAN'S ANNOUNCEMENTS**

**Development Control Manager**

The Chairman said that Mr. Alan Poole, the Development Control Manager, would be retiring at the end of March and he thanked him for his long and dedicated service to the people of Herefordshire.

**Site Inspection**

It was agreed that the Sub Committee would hold a site inspection at Leadon Bank Residential Home, Orchard Lane, Ledbury, which would be the subject of a planning application to be submitted to the next meeting, on the following grounds:

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

**210. DECLARATIONS OF INTEREST**

<b>Councillor/Officer</b>	<b>Item</b>	<b>Interest</b>
Cllr R.B.A. Burke, Cllr Brig P Jones Cllr D.W. Rule Cllr J Stone, Cllr J.P. Thomas Mr M Tansley	7 - DCNC2004/2651/F 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 W.L.S. Bowen	7 - DCNC2004/2651/F Residential development of 44 dwellings including affordable housing on land at St. Botolph's Green, Southern Avenue, Leominster.	personal
Cllr P.J. Dauncey	10 - DCNE2004/4186/F Extension to existing unit at Unit 16, Court Farm Business Park, Bishops Frome.	prejudicial and left the meeting for the duration of this item.
Cllr Brig P Jones	24 – DCNC/2005/0024/F - First floor extension to side of dwelling at 23 Oldfields Close, Leominster	prejudicial and left the meeting for the duration of this item.
Cllr D.W. Rule Cllr P.J. Dauncey	26 – DCNC/2005/0062/F – New build family centre at rear of Top Garage, Panniers Lane, Bromyard	prejudicial and left the meeting for the duration of this item.
Cllr P.J. Dauncey Cllr RM Manning	27 – DCNC/2005/0341/F - proposed 2 no. 2 bedroomed cottages with 4 no. parking spaces at land to the rear of 3 Little Hereford Street, Bromyard	prejudicial and left the meeting for the duration of this item.

**211. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 23rd February, 2005 be approved as a correct record and signed by the Chairman.

**212. ITEM FOR INFORMATION - APPEALS**

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

**213. 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 which he considered to be necessary.

**214. 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 6)**

The receipt of 23 letters of objection and a letter with a petition containing 45 signatures was reported.

In accordance with the criteria for public speaking Mr Herbert of Bodenham Parish Council and Mrs Huxley-Marko spoke against the application.

Councillor KG Grumbley the Local Ward Member had grave reservations about the application because of the adjoining Area of Great Landscape Value, the Conservation Area and Site of Special Scientific Interest. He said that from his investigations at a number of locations he had found that there was a considerable amount of noise nuisance generated by the quad biking and paintballing activities on the site. The noise tended to be amplified along the valley and affected some 200 local residents. The Environmental Protection Manager advised the Sub-Committee that he had investigated the noise complaints at weekends from various locations in the village and he felt that the only time noise could be heard was when the quad bikes were heading to the starting area of the track. Councillor BF Ashton expressed the view that although he had concerns about a retrospective application, there did not appear to be any noise problems and there were no objections from the appropriate officers and major consultees and he therefore felt that there were no planning grounds for the application to be refused. The Sub-Committee discussed full details of the application and notwithstanding the views of the officers felt that there were sufficient grounds for the application to be refused.

**RESOLVED**

- (a) **That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- 1. the proposal would be contrary to policy LDLP A9 (2) – adverse impact on an Area of Great Landscape Value;**
  - 2. policy LDLP A21 (H) – the development fails to preserve or enhance the character or appearance of the Conservation Area. The noise and disturbance will have a detrimental impact on the character of the area;**
  - 3. UDP DR13 – This development will adversely impact the quiet enjoyment and tranquillity of this special interest area (SWS), and of the wider countryside and landscape;**
  - 4. UDP NC4 – Development will directly adversely affect a SWS; and**
  - 5. Loss of amenity for neighbourhood**
- (b) **If the Head of Planning Services does not refer the application to the Planning Committee Officers named in the Scheme of Delegation to**

**Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

*(The Development Control Manager said that given that the Sub-Committee had visited the site and considered the issues involved, he would not refer the application to the Head of Planning Services)*

**215. 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 7)**

It was reported that the Economic Development Section was continuing ongoing discussions with the developers. It was also reported that information had been sent to the Environment Agency which was still considering the implications of the application.

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

Councillor Mrs JP French had concerns about the potential loss of employment land and asked the Principal Economic Investment and Development Officer for his views. The Principal Economic Investment and Development Officer said that the site was viewed as prime employment land because of the type of employment it could offer and he was of the opinion that residential development should be resisted. He also had concerns that there could be future problems if housing was developed next to a noisy industrial area. Having considered details of the application, the Sub-Committee was of the view that there were sufficient grounds for the site to be retained as employment land. The Sub-Committee was also concerned about the length of the proposed access road which could create problems for emergency and service vehicles.

**RESOLVED**

- (a) That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- 1. the need for the land to be retained for employment use; and**
  - 2. access problems.**
- (b) If the Head of Planning does not refer the application to the Planning Committee Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

*(The Development Control Manager said that given that the Sub-Committee had visited the site and that the decision complied with the Local Development Plan, he would not refer the application to the Head of Planning Services)*

216. **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 8)**

The receipt of a letter of support was reported.

Councillor JP Thomas, one of the Local Ward Members felt that there was merit in the application being approved because the proposals appeared to comply with policy A38 of the Leominster Local Plan regarding rural development and tourism. He also felt that the building would not be too prominent because it would be sunk down into the hillside. He also felt that it would comply with the policies of the emerging Unitary Development Plan regarding recreation, sports and tourism and A9 of the Leominster Local Plan in respect of exceptional need. He suggested that powers be delegated to the officers named in the Scheme of Delegation to Officers to approve the application with appropriate conditions.

**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) **appropriate conditions in respect of landscaping, roads and bridgeway.**

- (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 because the Sub-Committee had visited the site and considered the council's policies, he would not refer the application to the Head of Planning Services)*

217. **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 9)**

Councillor WLS Bowen the Local Ward Member had a number of concerns about the application in respect of the location of the barn, removal of the hedgerow, overall scale and height and the very limited vehicular access. There were some concerns about whether the proposed use of the site may change from a propagation centre to a garden centre but the Sub-Committee was advised that this would not be the case. The Sub-Committee discussed details of the application and a motion that the application be refused was lost. The Sub-Committee felt that additional conditions should be incorporated in respect of drainage and signage.

**RESOLVED: That planning permission be granted subject to the following conditions together with appropriate conditions in respect of**

**drainage and signage:**

- 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 20<sup>th</sup> 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
218. DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT UNIT 16, COURT FARM BUSINESS PARK, BISHOPS FROME, WORCESTER, HEREFORDSHIRE, FOR WJ HOLDEN & ASSOCIATES PER MICHAEL LATCHEM & ASSOCIATES, 9 AYLESTONE DRIVE, HEREFORD. HR1 1HT (AGENDA ITEM 10)

The receipt of a letter from the Local Residents Association and from the Bishops Frome Parish Council was reported. The Local Ward Member, Councillor RM Manning said he would be content with the application provided that additional conditions could be included in respect of highway safety for the residential area through which the access road to the Business Park passes. The officers suggested that this could be achieved by a Section 106 Agreement.

**RESOLVED: That**

**The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in respect of improvements to the access road to the Business Park acceptable to the Local Planning Authority and that subject to the aforementioned obligation, the Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission in consultation with the Local Ward Councillor, subject to the following conditions and any other conditions considered to be necessary by Officers:**

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

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

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

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**

- 219. 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 (AGENA ITEM 11)**

In accordance with the criteria for public speaking Mr Patterson spoke against the application. The Sub-Committee noted the concerns that the owner of the adjoining property had about over-looking and requested that the officers hold further discussions with the applicant to ascertain if an acceptable solution to both parties could be arrived at.

**RESOLVED: That consideration of the application be deferred to allow further discussions between the officers and the applicant about the concerns of the neighbour.**

- 220. 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 (AGENDA ITEM 12)**

In accordance with the criteria for public speaking Mr Asby of Yarkhill Parish Council and Mr Price spoke against the application. The Local Ward Member, Councillor RM Manning felt that the applicant had not complied with the original permission for an agricultural buildings and that he instead had operated a 24 hour drainage and sewerage service from the premises. This had created a number of problems of noise and nuisance for nearby residents and he therefore suggested that the application be refused. The Sub Committee supported this view.

**RESOLVED:**

- (a) That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee.**

- 1. Visual amenity;**



2. Noise/odour; and
  3. Access near a dangerous cross road
  4. Residential amenity
- (b) If the Head of Planning Services does not refer the application to the Planning Committee Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

*(The Development Control Manager said that given that the Sub-Committee had considered the issues involved, he would not refer the application to the Head of Planning Services)*

221. 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 (AGENDA ITEM 13)

RESOLVED: That

**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

222. **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 (AGENDA ITEM 14)**

The Sub-Committee had concerns about the retrospective application and asked the Officers to inform the applicant that he should apply for planning permission prior to any future works being undertaken.

**RESOLVED: That subject to the application being passed by the Secretary of State, delegated powers be granted to the Officers named in the Scheme of Delegation to Officers to grant listed building consent at the end of the consultation period 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

223. 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 (AGENDA ITEM 15)

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 - 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

224. 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 (AGENDA ITEM 16)

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 - 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 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

225. DCNE2005/0458/F - CONSTRUCTION OF FRONT PORCH AT 4 MASSEY ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FB FOR: MR S WATKINS AT SAME ADDRESS (AGENDA ITEM 17)

In accordance with the criteria for public speaking Miss Haiselden spoke against the application.

The Sub-Committee had a number of concerns about the application because it was felt that the proposed porch would have a detrimental impact on the architecture of the development and would set an unwanted precedent.

**RESOLVED:**

(a) That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee.

1. The proposed porch would disturb the architectural balance of the estate; and

2. Unwanted precedent

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

*(The Development Control Manager said that given that the Sub-Committee had considered the issues involved, he would not refer the application to the Head of Planning Services)*

**226. 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 (AGENDA ITEM 18)**

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

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

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

- 2 - 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.

11 – F20 (Surface water drainage)

Reason: To secure a satisfactory drainage arrangement

Informatives:

1 - N14 - Party Wall Act 1996

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

227. 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 (AGENDA ITEM 19)

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

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

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

2 - 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

228. 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 (AGENDA ITEM 20)

**RESOLVED:**

That consideration for 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

(c) the setting and surroundings are fundamental to the determination or to

the conditions being considered.

**229. 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 (AGENDA ITEM 21)**

The receipt of 2 further letters of objection was reported.

In accordance with the criteria for public speaking Miss Eastlaugh of Kingsland Parish Council and Mrs Maddox spoke against the application. Mr Sackett, the agent acting on behalf of the applicant, spoke in favour of the application.

The Local Ward Member, Councillor WLS Bowen, spoke against the application feeling that it would be an over development of the site and have an adverse affect on the infrastructure of the village.

**RESOLVED:**

- (a) **That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee.**
6. **That planning permission be refused on the grounds that the proposal would be contrary to policy A9 - . Development in the open countryside; and**
7. **Policy A2 in respect of protection of the landscape contained in the emerging Unitary Development Plan.**
- (b) **If the Head of Planning does not refer the application to the Planning Committee Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

*(The Development Control Manager said that given that the Sub-Committee had considered the issues involved, he would not refer the application to the Head of Planning Services)*

**230. 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 (AGENDA ITEM 22)**

The receipt of a further letter of objection from Mr Baker and a letter from the agent of the applicant in respect of obtaining permission for bio-disc drainage was reported.

In accordance with the criteria for public speaking Mrs Bradbury of Kington Parish Council and Mr Otter 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 - 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)

14 - Demolition

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

**Informatives:**

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

231. 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(AGENDA ITEM 23)

RESOLVED: That 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

232. 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 (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 - 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

**233. 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 25)**

Councillor J Stone, the Local Ward Member said that the applicants had gone to considerable lengths to achieve a reduction in the size of the proposed dwelling to make it more acceptable on planning grounds. He felt that the applicants had demonstrated a functional need in connection with their agricultural business relating to rearing calves and grazing sheep. He therefore proposed that the application should be approved.

**RESOLVED: That**

**(c) 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 dwelling being tied to the agricultural business.**
- 2) A scheme of landscaping to meet the prior approval of the Planning Authority; and**
- 3) The removal of permitted development rights**

**(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 had reservations that the size of the dwelling which he did not feel would be affordable for agricultural workers in relation to a correlation of wages and local housing. He said however that he would not refer the application to the Head of Planning Services)*

**234. 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 26)**

The receipt of 2 letters of objection was reported. The receipt of a letter from the agent acting on behalf of the applicant was reported.

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

The Committee felt that there was a need for further information about the application including why it was proposed that the building should be relocated nearer to the adjoining dwelling.

**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.**

235. 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 (AGENDA ITEM 27)

In accordance for the criteria for public speaking Mr CJ Grover spoke against the proposal to fell the trees on the site. The Sub-Committee had some concerns about the need for the trees to be felled as part of the scheme and felt that investigation should be made into a scheme that would retrain them. A motion that the application be approved subject to the retention of the trees was lost.

**RESOLVED**

- (a) That the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee.
1. The loss of the trees on the site
  2. Policy A2 in respect of protection of the landscape contained in the emerging Unitary Development Plan.
- (b) If the Head of Planning does not refer the application to the Planning Committee Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

*(The Development Control Manager said that given that the Sub-Committee had considered the issues involved, he would not refer the application to the Head of Planning Services)*

236. 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 (AGENDA ITEM 28)

The receipt of a letter from a neighbour was reported.

**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 - 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**

The meeting ended at 5.50 pm

**CHAIRMAN**



<b>4 ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNW2004/3846/O**

- The appeal was received on 17th 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 Mr L Morgan
- The site is located at Land adjacent to Wisteria Cottage, Leintwardine, Craven Arms, Herefordshire, SY7 0LS
- The development proposed is Site for the erection of one dwelling
- The appeal is to be heard by Written Representations

**Case Officer: Kelly Gibbons on 01432 261781**

**APPEALS DETERMINED****Application No. DCNC2004/1231/O**

- The appeal was received on 7th September 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 V Price
- The site is located at Cider Mill Farm, Bringsty Common, Bringsty, Worcester, Herefordshire, WR6 5UP
- The application, dated 5th April 2004, was refused on 7th June 2004
- The development proposed was Site for new dwelling. Removal of industrial unit and adjoining barn.
- The main issue is whether the disadvantages of permitting a new dwelling in this remote location are outweighed by the benefits of securing the removal of the steel framed building and derelict store.

**Decision:** The appeal was **DISMISSED** on 10 March 2005

**Case Officer: Duncan Thomas on 01432-383093**

**Application No. DCNW2004/0996/F**

- The appeal was received on 15th 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 Border Oak Design & Cons. Ltd
- The site is located at Site adjacent to Quayfields, Shobdon, Leominster, Herefordshire, HR6 9NX
- The application, dated 18 March 2004, was refused on 17 May 2004.

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

- The development proposed was Proposed demolition of existing industrial shed and silos and removal of concrete hardstanding. Erection of two storey dwelling and ancillary garage.
- The main issue is whether the proposed development would harm the countryside and, if so, whether there are other material considerations to outweigh the presumption against such development.

**Decision:** The appeal was **DISMISSED** on 10 March 2005

**Case Officer: Simon Withers on 01432 261781**

**Application No. DCNE2004/0949/L**

- The appeal was received on 6th September 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant Listed Building Consent
- The appeal was brought by Mr & Mrs Backhouse
- The site is located at Wylde House, Gloucester Road, Ledbury, Herefordshire, HR8 2JE
- The application, dated 16th March 2004, was refused on 29th June 2004
- The development proposed was Erection of conservatory and making doorway from kitchen to same.
- The main issue is that the conservatory would seriously harm the special architectural and historic interest of the listed building, which is of overriding importance in this case and outweighs all other factors.

**Decision:** The appeal was **DISMISSED** on 10<sup>th</sup> March 2005

**Case Officer: Case Officer: Mark Tansley on 01432 261956**

**Application No. DCNW2004/1204/F**

- The appeal was received on 27th August 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 Aitcheson
- The site is located at STOCKMOOR FARM, Headlands, Pembridge, Leominster, Herefordshire, HR6 9EJ
- The application, dated 21st April 2004, was refused on 27th May 2004
- The development proposed was 2 Storey extension to rear of dwelling.
- The main issue is that the proposal would be at odds with the requirements of Policy A56 of the Local Plan, which requires such additions to respect the form, architectural characteristics and details of the original building and be of a scale and design that would not overwhelm the original structure

**Decision:** The appeal was **DISMISSED** on 10<sup>th</sup> March 2005

**Case Officer: Adam Sheppard on 01432-261808**

**Application No. DCNE2004/0586/F and Application No. DCNE2004/0587/L**

- The appeals were received on 30th July 2004



- The appeals were made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeals were brought by Mr P Neale
- The site is located at Larks Hey, Lower Churchfields, Cradley, Malvern, Herefordshire, WR13 5LL
- The applications, dated 17th February 2004, were refused on 4th May 2004
- The development proposed was Proposed two storey extension and replacement of gable wall
- The main issue is whether the proposal would satisfactorily preserve the architectural and historic interest of the building, which is listed in grade II, having regard in this instance also to whether the addition would harm the character or appearance of Cradley Conservation Area.

**Decision:** The appeals were **DISMISSED** on 10 March 2005

**Case Officer:** Kevin Bishop on 01432-261803

**Application No. DCNC2004/2075/F**

- The appeal was received on 6th September 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 F C Thornton
- The site is located at Land adjoining 44 New Road, Bromyard, Herefordshire, HR7 4AJ
- The application, dated 9th June 2004, was refused on 4th August 2004
- The development proposed was Proposed detached dwelling.
- The main issues are the effect on the character and appearance of the street scene, and also the effect on the living conditions at No.42c New Road, with particular reference to daylight and outlook.

**Decision:** The appeal was **ALLOWED** on

**Case Officer:** Duncan Thomas on 01432-383093

**Application No. DCNC2004/0009/O**

- The appeal was received on 8th June 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 I J Powell
- The site is located at Adjoining timber yard, Ocle Pychard, Herefordshire
- The application, dated 5<sup>th</sup> January 2004, was refused on 1<sup>st</sup> March 2004
- The development proposed was Proposed bungalow and garage
- The main issues are whether or not the proposal complies with development plan policies for housing in the countryside, and the effect of the proposal on the character and appearance of the site and surroundings.

**Decision:** The appeal was **DISMISSED** on 30<sup>th</sup> March 2005

**Case Officer:** Russell Pryce on 01432 261957

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

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

- The appeal was received on 14th October 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 SD & JM Wicks
- The site is located at Burnside, High Street, Leintwardine, Craven Arms, Herefordshire, SY7 0LQ
- The application, dated 7<sup>th</sup> June 2004, was refused on 8<sup>th</sup> September 2004
- The development proposed was Demolition of existing dwelling and outbuildings and site for construction of 3 No. four bedroom dwellings.
- The main issues are the effect that the proposed development would have on the character and appearance of the area, and also whether the proposed development would satisfy national policy on the issue of density

**Decision:** The appeal was **DISMISSED** on 30<sup>th</sup> March 2005

**Case Officer: Simon Withers on 01432 261781**

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

## **6 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

### **Introduction**

At the site visit, members raised queries relating to a recently completed dwelling that lay immediately to the south of the application site. This dwelling has an agricultural worker's dwelling restriction attached to it.

A plan showing the settlement boundary of Leintwardine in relation to the application site will be available for members to view at Committee.

### **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 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: .....

.....

**Background Papers**

Internal departmental consultation replies.

**7 DCNW2004/3810/F - PROPOSED BARN CONVERSION TO ONE HOUSE AT REDUNDANT THRESHING BARN ADJACENT TO THE LION INN, WOONTON, ALMELEY, HEREFORDSHIRE**

**For: The Executors of R Eggerton per Burton & Co,  
Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP**

**Date Received:**  
**3rd November 2004**

**Ward:**  
**Castle**

**Grid Ref:**  
**36070, 51800**

**Expiry Date:**  
**29th December 2004**

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The application site currently comprises a single traditional barn with a number of modern agricultural buildings that are in state of disrepair to the rear. The barn has a stone rubble plinth is timber clad with a corrugated tin roof and rear lean to. Access is currently via an existing field gate immediately adjacent to the Lion Inn pub and near to the sharp bend of the road.
- 1.2 Planning permission is sought for the conversion of the barn into one single unit of residential accommodation. The accommodation would comprise a living room, sitting room, study, shower room, bathroom, two bedrooms, store room, kitchen and utility. A detached timber building which lies immediately adjacent to the roadside would be retained for use as a garage. The existing access to the site would be closed and a new access proposed to the east of the site. Car parking on site would be to the front of the barn.
- 1.3 The existing modern farm buildings that lie immediately adjacent and to the rear of the barn would be demolished and removed from the site. The hedgerow that currently lies to the east of the building would also be retained and a new hedgerow planted along the roadside.
- 1.4 The application is accompanied by a statement of market testing, a structural survey and ecological surveys relating to bats, great crested newts, and barn owls

**2. Policies**

**2.1 Herefordshire & Worcester Council Structure Plan**

Policy H16A - Development Criteria

Policy H20 – Residential Development in Open Countryside

Policy CTC3 – Sites of National and International Importance

Policy CTC9 – Development Criteria

Policy CTC11 – Conservation and Expansion of Tree and Woodland Cover

Policy CTC13 – Buildings of Special Architectural or Historic Interest

Policy CTC14 – Criteria for the Conversion of Buildings in Rural Areas

## 2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District’s Assets and Resources  
 Policy A2(D) – Settlement Hierarchy  
 Policy A5 – Sites Supporting a Statutorily Protected Species  
 Policy A7 – Replacement of Habitats  
 Policy A8 – Improvements to or Creation of Habitats  
 Policy A9 – Safeguarding the Rural Landscape  
 Policy A10 – Trees and Woodlands  
 Policy A16 – Foul Drainage  
 Policy A36 – New Employment Generating Uses for Rural Buildings  
 Policy A60 – Conversion of Rural Buildings Outside Settlements to Residential Use  
 Policy A70 – Accommodating Traffic from Development

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

Policy S1 – Criteria for Retail Development  
 Policy S2 – Development Requirements  
 Policy S7 – Natural and Historic Heritage  
 Policy DR1 – Design  
 Policy DR2 – Land Use and Activity  
 Policy H7 – Housing in the Countryside Outside Settlements  
 Policy E11 – Employment in Smaller Settlements and Open Countryside  
 Policy LA2 – Landscape Character  
 Policy NC5 – European and Nationally Protected Species  
 Policy NC8 – Habitat Creation, Restoration and Enhancement  
 Policy HBA12 – Re-use of Rural Buildings  
 Policy HBA13 – Re-use of Rural Buildings for Residential Purposes

## 2.4 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

## 3. Planning History

3.1 None found.

## 4. Consultation Summary

### Statutory Consultations

4.1 Environment Agency has no objection to the development.

4.2 Traffic Manager raises no objection subject to conditions relation to visibility splays, access and the provision of parking and turning.

4.3 The Conservation Manager responded as follows:

Design/Listed Building: raises no specific objection in principle to the barn conversion but requests that the number of openings be reduced where possible.



Ecology: This survey has confirmed that it is being used as a roost by Long Eared Bats and Pipistrelle Bats. The barn is also being used by a variety of birds, including swallows, blackbirds and house sparrows.

"I have discussed this application with Ms Collins and the applicant's agent, and I believe that I am now in a position to recommend conditions. Ms Collins has outlined measures to mitigate, compensate and enhance the area for the species mentioned above, but these are outlines and are not detailed enough, but I am confident that they can be dealt with by condition".

## 5. Representations

- 5.1 Almeley Parish Council makes the following comments: No objections were raised but the parish council is concerned that the ecological survey is strictly adhered to so that the welfare of the bats and birds are protected.
- 5.2 One letter of objection has been received from Mr Simon Smith of The Lion Inn, woonton. He raises concerns:
- The impact of the proposed conversion on his business, and the potential conflict of interest between a dwelling and busy pub.
  - Location of an existing septic tank in front of the barn conversion and impact on the occupier of the barn conversion
  - Highway safety
  - Query over how two storeys can be accommodated in such a building
  - Offer of differing uses for the barn other than residential
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The main issues for consideration is the determination of this application are as follows:-
- a) the principle of residential conversion having regard to the attempt to secure alternative commercial uses for the buildings;
  - b) the principle of residential conversion having regard to the structural integrity of the buildings;
  - c) the impact of the proposed conversion on the character and appearance of the buildings and the wider impact on the surrounding countryside;
  - d) residential amenity;
  - e) highway safety, and;
  - f) ecological and landscape issues.
- 6.2 The application submission includes reference to the marketing of the building by Richard Hyde of Sunderlands. This was marketed between the dates of 18<sup>th</sup> March 2004 and July 2004 in the Hereford Times and was also placed in the Herefordshire Council Property Register from 1 January 2004 and February onwards. Particulars

were also available from Sunderland's. No interest was registered. In the light of this it is considered that the applicant has fulfilled the administrative requirements of Supplementary Planning Guidance on the residential conversion of buildings.

- 6.3 The structural condition of the building has been submitted in the form of a building survey and report. This report specified that the building remains in a reasonable condition, however, it does specify that some significant repairs are required to parts of the building. It states that 90% of the wall frame is complete and sound and that damaged area can be replaced in situ. The roof would be stripped of corrugated tin and replaced. The report concludes that the work required can be carried out in situ and does not require large scale dismantling or rebuilding. A condition referring to the structural report and method statement is recommended.
- 6.4 As such it is considered that the conversion scheme can be undertaken without major intervention or rebuilding, therefore satisfying the criteria of the local plan policies and Supplementary Planning Guidance.
- 6.5 The barn has a number of existing openings which are being used to form windows and doors to the barn. Two roof lights are proposed to the rear elevation. The conservation officer raises some concern in relation to the number of new openings; however, it is considered on balance to have a minimal amount of openings, respecting the character and appearance of the barn. Joinery details. Materials samples and finishes will be required by condition to ensure a satisfactory external appearance.
- 6.6 The proposed use of the site for residential purposes would not in its own right lead to undue concerns in respect of overlooking or privacy to neighbouring properties.
- 6.7 Access to the site is currently via the farm gate immediately in front of the barn. This access is hazardous due to substandard visibility and as such the proposal would involve the permanent closure of this access and creation of a new access to the east. The Traffic Manager raises no objection to the new access subject to conditions relating to visibility.
- 6.8 In response to the identification of the likelihood of bats roosting on the site, mitigation and DEFRA licences will be required. This is outlined in the report submitted. Conditions are recommended to ensure this is complied with in full.
- 6.9 In order to provide a satisfactory access, landscaping to the roadside would include the laying of a new hedgerow behind the visibility splay. There is no objection in principle to this and a condition is recommended to ensure that hedgerow is laid with appropriate species.
- 6.10 To conclude, the information provided as part of the application submission satisfies the criteria and requirements of the relevant supplementary planning guidance and local plan policies. The conversion scheme is sympathetic to the character and appearance of the existing building. There are no highway safety concerns and ecological and landscape issues can be dealt with by condition. As such it is considered that the proposals accord with policies and are recommended for approval.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

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

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

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

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

**3 - B05 (Alterations made good )**

**Reason: To maintain the appearance of the building.**

**4 - C02 (Approval of details ) (joinery details & joinery finishes)**

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

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

**Reason: To protect the character and appearance of the traditional building in accordance with the policies and guidance in the Supplementary Planning Guidance.**

**6 - Notwithstanding the approved plans, the foul drainage shall be connected to the mains sewerage system.**

**Reason: To ensure a satisfactory drainage arrangement.**

**7 - Prior to the occupation of the dwellings hereby permitted, the existing agricultural buildings shown on the submitted plan shall be removed from the site and the land reinstated in accordance with details to be submitted to and approved in writing by the local planning authority.**

**Reason: For the purposes of clarification in the interest of the amenities of the occupiers of the barn conversion.**

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

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

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

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

**10 - H03 (Visibility splays ) (2.4 metres x 90 metres)**

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

**11 - H05 (Access gates ) (6 metres)**

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

**12 - H08 (Access closure ) (use & vehicular access)**

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

**13 - H12 (Parking and turning - single house ) (2 cars)**

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

**14 - F32 (Details of floodlighting/external lighting )**

**Reason: To safeguard local amenities.**

**15 - No works or development shall take place until details of a scheme, including architectural drawings for the creation and implementation of bat roosting opportunities has been submitted to and approved by the local planning authority.**

**Reason: To conserve and enhance protected species' and its habitat.**

**16 - Prior to the commencement of development, details of a scheme for the retention and/or creation of suitable features and habitat for barn owls and nesting birds, shall be submitted to and approved in writing by the Local Planning Authority. Works should be carried out in accordance with the approved plans.**

**Reason: To conserve and enhance protected species' and its habitat, and to adhere to the Wildlife and Countryside Act 1981 and UDP Policies 5, 7, 8 and 9.**

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - HN01 - Mud on highway**
- 3 - HN10 - No drainage to discharge to highway**
- 4 - N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**
- 5 - N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats**
- 6 - In relation to conditions 15 and 16 above: N11A and N11B - the scheme of mitigation should be based on, but expanded from the recommendations within the ecological survey report by Rebecca Collins dated September 2004. Advice can be obtained from the Council's Ecologist.**
- 7 - It is drawn to the applicants attentions that a DEFRA licence be obtained prior to commencement of development. Additional surveys will be required for the preparation of the Method Statement. The Method Statement should be approved by the Local Authority's ecologist prior to submission to DEFRA.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



## **8 DCNW2005/0326/F - CONVERSION OF BARNs INTO SEVEN DWELLINGS AT BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RU**

**For: Mr S Vaughan, David Edwards Associates, Station Approach, Barrs Court, Hereford HR1 1BB**

**Date Received:**  
3rd February 2005

**Ward:**  
Pembroke &  
Lyonshall with Titley

**Grid Ref:**  
32891, 59729

**Expiry Date:**  
31st March 2005

Local Member: Councillor R Phillips

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

- 1.1 The application site comprises a group of three former agricultural buildings that lie within the curtilage of the Grade II listed former farmhouse. Unit A has an open fronted ground floor, is part brick, part stone and slate roof with a stone lean to leading through to a part timber clad building with a slate roof. Unit B likewise is a standalone building constructed of stone plinth, timber boarding above, and a corrugated tin roof. Unit C is the largest of the barns and is predominantly stone built and is linear in a form, with some weatherboarding. These barns are structurally sound and well kept.
- 1.2 Planning permission is sought for the conversion of the barns to 7 units of residential accommodation. Unit 1 would be a three bed unit, also incorporating a large study/office area. Also within Barn A, Unit 2 would provide three bed accommodation. Barn B would be divided into two with Units 3 and 4 providing two-bed accommodation. Units 5 and 6 would provide three bed (plus study/bed) dwellings whilst unit 7 would provide a further three bed dwelling.
- 1.3 Access to the site would be via a new access to the west of the site leading to a car parking area for residents and visitors.
- 1.4 The existing modern farm buildings that lie immediately adjacent to barns would be demolished and removed from the site.
- 1.5 The application is accompanied by a statement of market testing, a structural survey and ecological surveys relating to bats, great crested newts, and barn owls.
- 1.6 The barns are curtilage listed and as such a listed building consent application should have been submitted. This has been requested.

### **2. Policies**

#### **2.1 Herefordshire & Worcester Council Structure Plan**

Policy H16A – Development Criteria

Policy H20 – Residential Development in Open Countryside

Policy CTC3 – Sites of National and International Importance

Policy CTC9 – Development Criteria  
Policy CTC11 – Conservation and Expansion of Tree and Woodland Cover  
Policy CTC13 – Buildings of Special Architectural or Historic Interest  
Policy CTC14 – Criteria for the Conversion of Buildings in Rural Areas

## 2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A5 – Sites Supporting a Statutorily Protected Species  
Policy A7 – Replacement of Habitats  
Policy A8 – Improvements to or Creation of Habitats  
Policy A9 – Safeguarding the Rural Landscape  
Policy A10 – Trees and Woodlands  
Policy A18 – Listed Buildings and their Settings  
Policy A16 – Foul Drainage  
Policy A36 – New Employment Generating Uses for Rural Buildings Outside Settlements to Residential Use  
Policy A70 – Accommodating Traffic from Development

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

Policy S1 – Criteria for Retail Development  
Policy S2 – Development Requirements  
Policy S7 – Natural and Historic Heritage  
Policy DR1 – Design  
Policy DR2 – Land Use and Activity  
Policy H7 – Housing in the Countryside Outside Settlements  
Policy E11 – Employment in Smaller Settlements and Open Countryside  
Policy LA2 – Landscape Character  
Policy NC5 – European and Nationally Protected Species  
Policy NC8 – Habitat Creation, Restoration and Enhancement  
Policy HBA12 – Re-use of Rural Buildings  
Policy HBA13 – Re-use of Rural Buildings for Residential Purposes

## 2.4 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

## 3. Planning History

88L 1030 - Barn Conversion to form seven units at Balance Farm, Titley - Approved with Conditions - 19th December 1989.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency has withdrawn their objection as development now being connected to the mains sewerage system.
- 4.2 Welsh Water has no objection subject to conditions.



Internal Council Advice

4.3 Traffic Manager raises no objection subject to the provision of parking and turning for as shown on the approved plan plus two extra parking spaces for visitors.

4.4 The Conservation Manager responded as follows:

Design/Listed Building: raises no specific objection to the detailed design of the conversion subject to conditional control over external materials and joinery.

Ecology: The ecological survey work undertaken is acknowledged and a condition should be included to ensure that works are carried out in accordance with the details/mitigation contained within the survey. Defra licences will be required.

Archaeology: recommend a condition be included due to proximity of medieval village form of Titley.

Landscape: No objection in principle but recommends that the curtilage for barns 5, 6 and 7 be more tightly contained as this area is more visually prominent. Recommends planting.

## 5. Representations

5.1 Titley and Parish District Group Parish Council raises the following points:

1. Residents generally like the plan, the proposed appearance of the converted buildings, and the increase in the village population.
2. There is, however, concern about more traffic on Eywood Lane, and in particular -
  - The blind corner where the land joins the B4355: turning right towards Kington is a known hazard. Can anything be done about this?
  - The 40 mph de-restriction sign should be moved further up the lane past The Lodge.
  - Will farm traffic share the proposed entrance/exit for residential traffic, and the proposed parking area?
  - If farm traffic is confined to the recently made alternative entrance (exit opposite the Village Hall), will heavy tractors/trailers use School Lane?
3. The plans show a separate sewerage treatment plant for this development alone. The owner said at the meeting that this is "an architect's mistake," and that the intention is to connect to the mains sewerage system which will become operative in the village within a month or so. Could this be confirmed with Welsh Water, please, and the plans altered.

5.2 A total of 6 letters have been received from the following persons:

Craig Mayo, Fairfields, Titley  
J Whittock - Half Barrell Cottage, Titley  
John Jones and Doe Middleton - The Lodge, Eywood Lane, Titley  
Brian Baker, Dingleside, School Lane, Titley  
A K Taylor, Swallows Brook, Titley

The concerns raised can be summarised as follows:

- a) Intensified use of highway causing highway safety concerns.
- b) Conflict of use between farm traffic and vehicles.
- c) Danger to pedestrians
- d) Impact of car park - should be landscaped and not flood lit.
- e) Should have an affordable/first time dwellings included.

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

## 6. Officers Appraisal

6.1 The main issues for consideration is the determination of this application are as follows:-

- a) The principle of residential conversion having regard to the attempt to secure alternative commercial uses for the buildings;
- b) The principle of residential conversion having regard to the structural integrity of the buildings;
- c) The impact of the proposed conversion on the character and appearance of the buildings and the wider impact on the surrounding countryside;
- d) Residential amenity;
- e) Highway safety, and;
- f) Ecological and landscape issues.

6.2 The application submission includes a comprehensive marketing report provided by John Amos and Co. It advises that the buildings have been marketed since July 2003 for a period exceeding 12 months being regularly advertised in the local press including the Hereford Times and Ludlow Journal. Very little interest was shown in the use of the buildings for a commercial purpose. In the light of this it is considered that the applicant has fulfilled the administrative requirements of Supplementary Planning Guidance on the residential conversion of buildings.

6.3 The structural condition of the building has been submitted in the form of a building survey and report. This is a detailed report which is summarised as follows:

“The barns date from different period. The extended portion of the barn A is much more recent than the southern parts of barns B and C. The barns however are in good structural condition and the basic structure of them needs very little remedial work in order to facilitate conversion.”

6.4 As such it is considered that the conversion scheme can be undertaken without major intervention or rebuilding, therefore satisfying the criteria of the local plan policies and Supplementary Planning Guidance.

- 6.5 The complex of building, as described above, is in a good state repair and is well maintained. The proposed conversion, although requiring the insertion of windows in new openings, does present a scheme which respects the character and appearance of each of the barns. This scheme is an improvement on that previously approved in 1989 and has embraced the simplicity and linear forms of the buildings, utilising existing openings and materials. The simple design and configuration of the proposed conversion scheme would not detract from the Grade II listed farmhouse. As such, its setting would be preserved.
- 6.6 The proposed use of the site for residential purposes would not in its own right lead to undue concerns in respect of overlooking or privacy to neighbouring properties.
- 6.7 Access to the site is currently via the farmhouse gate. This will be retained for use by the farmhouse only and not for occupiers of the new dwellings. Local concerns relate mainly to the increase in traffic movements and the impact that this may have on highway safety, including pedestrians. Much of this concern relates to the existing highway access from Eyton Lane onto the main B4355. The Traffic Manager raises no objection and therefore whilst local concerns are acknowledged it is not considered that there would be grounds for the refusal of permission on highway safety grounds.
- 6.8 In response to the identification of the likelihood of bats roosting on the site, mitigation and DEFRA licences will be required. This is outlined in the report submitted. Conditions are recommended to ensure this is complied with. In terms of landscape impact, a landscaping condition has been recommended which will ensure the retention of existing hedgerows where appropriate, and in particular appropriate landscaping for the car parking area.
- 6.9 To conclude, the information provided as part of the application submission satisfies the criteria and requirements of the relevant supplementary planning guidance and local plan policies. The conversion scheme is sympathetic to the character and appearance of the existing building and would preserve the setting of the adjacent listed building. Highway matters have been carefully considered and no objection can be sustained. As such it is considered that the proposals accord with policies and are recommended for approval.

## RECOMMENDATION

**Subject to the receipt of a Listed Building Consent Application, the officers named in the scheme of delegation to officer authorised to issue planning permission subject to the following conditions.**

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

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

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

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

- 3 - B05 (Alterations made good )**

**Reason: To maintain the appearance of the building.**

**4 - C02 (Approval of details )**

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

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

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

**6 - Notwithstanding the approved plans, the foul drainage shall be connected to the mains sewerage system, in accordance with details submitted to and approved in writing by the local planning authority.**

**Reason: To ensure a satisfactory drainage arrangement.**

**7 - Prior to the occupation of the dwellings hereby permitted, the existing agricultural buildings shown on the submitted plan shall be removed from the site and the land reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: For the purposes of clarification in the interest of the amenities of the occupiers of the barn conversion.**

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

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

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

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

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

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

**12 - F32 (Details of floodlighting/external lighting )**

**Reason: To safeguard local amenities.**

**13 - No works or development shall take place until details of a scheme, including architectural drawings for the creation and implementation of bat roosting opportunities has been submitted to and approved by the local planning authority. Works shall be carried out strictly in accordance with this scheme.**

**Reason: To conserve and enhance protected species and its habitat.**

**14 - Prior to the commencement of development, details of a scheme for the retention and/or creation of suitable features and habitat for barn owls and nesting birds, shall be submitted to and approved in writing by the Local Planning Authority. Works should be carried out in accordance with the approved plans.**

**Reason:** To conserve and enhance protected species and its habitat.

**Informatives**

**1 - N15 – Reasons for the Grant of PP/LBC/CAC**

- 2 - All birds, their nests and eggs are protected by law and it is thus an offence to:**
- intentionally kill, injure or take any wild bird
  - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
  - intentionally take or destroy the egg of any wild bird
  - intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

**3 - It is an offence for any person to:**

- Intentionally kill, injure or take a bat. Under the Habitats Regulations it is an offence to deliberately capture or kill a bat.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.

- 4 - In relation to conditions 12 and 13 this scheme of mitigation should be based on, but expanded from the recommendations within the ecological survey report by Worcestershire Wildlife Consultancy submitted with the application. Further advice can be obtained from the Council's Ecologist.**

- 5 - It is drawn on the applicants attentions that a DEFRA licence should be obtained prior to commencement of development. Additional surveys will be required for the preparation of the Method Statement. The Method Statement should be approved by the Local Authority's Ecologist prior to submission to DEFRA and can form part of the mitigation scheme.**

- 6. The applicant is reminded of the need to submit an application for listed building consent. This permission shall not be implemented until the necessary listed building consent has been approved in writing by the local planning authority.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**9 DCNC2004/1540/F - RESITING OF PREVIOUSLY APPROVED BUNGALOW (PLANNING PERMISSION MH1243/76) AT UPPER HORTON FARM, EDWYN RALPH, BROMYARD, HEREFORDSHIRE**

**For: Upper Horton Farm Co. per Mr J Phipps Bank Lodge Coldwells Road Holmer Hereford HR1 1LH**

**Date Received:**

**27th April 2004**

**Ward:**

**Bringsty**

**Grid Ref:**

**63057, 58459**

**Expiry Date:**

**22nd June 2004**

Local Member: Councillor T Hunt

**1. Site Description and Proposal**

- 1.1 Upper House Farm, is a 63 ha holding, located on the North side of an unclassified road, UC65015, which leads Westwards from the Edwyn Ralph - Thornbury Road, about a mile West of the junction with Tenbury Road, B4214, and within an Area of Great Landscape Value.
- 1.2 This application is for the relocation of a bungalow approved as part of planning permission MH1243/76, which was for the erection of 2 agricultural bungalows, to a position alongside the main group of farm buildings.

**2. Policies**

**2.1 Malvern Hills District Local Plan**

Landscape Policy 1 – Development Outside Settlement Boundaries  
 Landscape Policy 3 – Development in Areas of Great Landscape Value  
 Housing Policy 4 – Development in the Countryside  
 Housing Policy 5 – Dwellings for Agricultural and Forestry Workers  
 Housing Policy 7 – Siting and Design of Agricultural Dwellings

**2.2 Hereford and Worcester County Structure Plan**

H20 - Housing in the Urban Countryside  
 A4 – Agricultural Dwellings  
 CTC2 – Development in Areas of Great Landscape Value  
 CTC9 – Development Criteria

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

H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses.  
 LA2 – Landscape Character and Areas Least Resilient to Change.

### 3. Planning History

- 3.1 036357 Two agricultural workers bungalows approved 18th June 1973.
- 3.2 MH1243/76 Two detached agricultural workers bungalows approved 20th July 1976.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency - No In principal objection.

#### Internal Consultations

- 4.2 Traffic Manager - No Objection.

### 5. Representations

- 5.1 Edwyn Ralph Parish Council - No Reply Received.
- 5.2 Letters in support of this application have been received from:  
Mr E D Hall, 6 Horton Mews, Thornbury.  
Mr & Mrs D Hall, 5 Horton Mews, Thornbury.
- 5.3 The applicant has said:
  - (a) Planning permission has been granted for two bungalows but only one has been built.
  - (b) It will be more practical to erect the second bungalow adjacent to the group of farm buildings.
  - (c) There is planning permission which allows the applicant to build the second bungalow alongside Upper Horton Farm.
- 5.2 The full text of these letters can be inspected at Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the sub-committee meeting.

### 6. Officers Appraisal

- 6.1 This application is for the relocation of an agricultural workers bungalow approved under MH1243/76, which was for the 2 agricultural bungalows, from its approved location fronting onto the unclassified 65015, to a position alongside the main group of farm buildings.
- 6.2 Planning permission MH1243/76 has been implemented by the construction of one of the bungalows, Upper Horton Farmhouse. The permission remains extant. While, there is no in principle objection to the repositioning of the bungalow, the applicant will be required to give up that part of the planning permission which remains extant. The applicant had attempted to do this by way of a unilateral undertaking but was unable to agree satisfactory terms with Councils legal executive and has now agreed this should be dealt with by way of a Section 106 Agreement. The Agreement will also restrict the occupation of the bungalow to the ownership of Upper Horton Farm.



6.3 The relocation of the bungalow to a position adjacent to the main group of farm building is acceptable in terms of Housing Policies 5 and 7, which deal specifically with Dwellings for Agricultural Workers and the Siting and Design of Agricultural Dwellings. In particular Housing Policy 7 requires agricultural dwellings to be sited within close proximity to existing farm buildings. This application achieves this criterion.

**RECOMMENDATION**

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and deal with any other appropriate and incidental terms, matters or issues.**
- 2) **Upon completion of the aforementioned planning obligation officers named in the scheme of delegation be authorised to issue planning permission subject to the following conditions:**

- 1. **B01 – Samples of external materials**

**Note to Applicant:**

i) **This permission is granted pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**

- 3) **The named officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**10 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 the applicant to provide justification for the repositioning of the family centre building, and consideration to the retention of a leylandii hedge that runs along the northern boundary of the site. The applicant has said:

'I am writing with reference to the question raised at the last meeting of the Planning Committee regarding the reasons for moving the proposed Family Centre within the site. It might be helpful to Members to know that originally the Trustees intended to locate the building on land leased from and adjoining Top Garage. Instead, however, the charity has managed to raise the capital to buy land and has been given the opportunity of buying the adjacent land within the site from Top Garage. This is the only available site for purchase as it leaves the Top Garage the opportunity to further develop their land if needed.

The reason for relocating the building within the land available for purchase is due to the actions of Mr Morris, the neighbour. Mr Morris withdrew his permission to remove part of his hedge to allow the visibility splay onto Panniers Lane, therefore a variation to the planning application had to be submitted and the centre had to be moved within the site to allow a safe access onto the Hereford Road. Secondly, Mr Morris requested trustees not to site the centre next to his bungalow and we have endeavoured to meet his request.

This centre will be a huge asset for Bromyard, providing a much-needed facility for the families of Bromyard. Other sources of land and buildings have been explored, however it has not been possible for the charity to purchase this size of land for the price.

The Hope charity has been in existence for 5 years and has worked in some very difficult circumstances, the lack of a permanent home is now becoming crucial to the continuation of the charity. Starting with 2 families, we now serve 40 children with the playgroup, 25 families with family support and over 125 families have or are using our training and family group resources. Many adults receiving training through hope have gone on to gain employment. We work very closely with, and have huge support from many statutory agencies including the local Primary Health Care team, Social Services, Local Education Association, local schools, Home Start and Women's Aid.

The playgroup has received an excellent Ofsted report which recognised the difficulties of working in temporary facilities. Sure Start, the Daycare Trust and Capacity have all evaluated Hope and found it to provide a service which is hugely beneficial not only to the immediate clients but also the wider community. Copies of reports will be made available for the members of the Committee.

Funding has been secured from Sure Start, Market Towns Initiative, European funding, Church Urban Fund, Lloyds TSB, Countryside Agency and numerous smaller funding bodies. The families have also been fundraising for many years.

It is now paramount we secure planning as soon as possible in order for the building to be finished by the European Object 2 funding deadline.'

## **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 facilitie

### **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 Summary

##### Statutory 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 excersised 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.

e) The current plan shows that the hedge will be removed and replaced by a whilly inadequate fence. The fence should be at least 2.5metres high.

f) The hedge provides screening to my haulage yard.

g) A 11,000volt overhead line crosses the site.

h) The proposed car park will be adjacent to my children's play area, sitting room, vegetable garden, conservatory and kitchen door. We will be subject to constant noise, exhaust fumes and disturbance.

- i) The applicant has variously stated that 35 to 55 children will use the centre with up to 8 employees and no doubt visitors. This in turn will lead to excess of 100 car movements per day.
  - j) The revised plan shows an overlarge turning area.
  - k) Concerned that visibility splay for the entrance onto the Hereford Road cannot be provided without disturbance to my hedge.
- 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 Since the last meeting of the Sub-Committee the leylandii hedge along the northern boundary of the site and which provided effective screening for the neighbour has been felled. While, it is disappointing for this to have happened, it should be borne in mind permission was not required to fell the hedge as it was not an important hedge as defined in the Hedgerow Regulations 1997. The submitted plan shows a 2metre high timber fence will be erected along this boundary. It is considered the replacement fence is of a height that will protect the residential amenity of the neighbour.
- 6.3 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 - H03 (Visibility splays) (2.4m x 215m)

Reason: In the interests of highway safety.

8 - H05 (Access gates) (5m)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

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

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

11 – 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: .....

.....

**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 – THE SAME**

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

**Date Received:**

**2nd July 2004**

**Ward:**

**Hope End**

**Grid Ref:**

**74149, 50135**

**Expiry Date:**

**27th August 2004**

Local Members: Councillor R Mills and Councillor R Stockton

**These applications were deferred at the last meeting on 23<sup>rd</sup> March 2005. A verbal update will be given at the meeting.**

## **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 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: .....

.....

**Background Papers**

Internal departmental consultation replies.



**12 DCNE2005/0223/F - THE ERECTION OF A  
POLYTUNNEL 27.5M LONG X 16.0M WIDE AT COSY  
COTTAGE, BADDYMARSH FARM, LOWER  
EGGLETON, LEDBURY, HEREFORDSHIRE, HR8 2UH**

**For: Mr L R C Llewellyn at same address**

**Date Received:**  
24th January 2005

**Ward:**  
Frome

**Grid Ref:**  
62249, 45456

**Expiry Date:**  
21st March 2005

Local Member: Councillor R Manning

**1. Site Description and Proposal**

- 1.1 The site is located in open countryside and is accessed via an unmade track known as Baddymarsh Farm Lane, which in turn emerges onto the A4103 to the east of Newtown crossroads.
- 1.2 The area is characterised by loose groups of buildings and other structures and comprises low lying land adjacent to the River Lodon. The river forms the eastern boundary of the application site. Mature trees lie to the north and south of the site and are dispersed in a random fashion. However, these provide valuable screening.
- 1.3 The application is for the erection of a polytunnel to be used in connection with the applicants horticultural business. It is to be positioned immediately adjacent to an existing polytunnel and measures 27.5m x 16m and has a maximum height of 3.9m.

**2. Policies**

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements

Malvern Hills District Local Plan

Landscape Policy 1 – Development Outside Settlement Boundaries  
Environment Policy 9 – Flood Defence

Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR7 – Flood Risk

LA2 – Landscape Character and Areas Lease Resilient to Change

**3. Planning History**

NE2004/1551/F - Retention of mobile home and hardstanding for a temporary period - Approved 23rd June 2004.

NE2003/3304/F - Retention of Polytunnel - Approved 24th December 2003.

NE2002/2985/F - Resiting of mobile home and shed - Allowed on Appeal 21st October 2003.

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

##### Statutory Consultations

- 4.1 Environment Agency - Originally objected to the application on the basis that the north-eastern side of the proposed polytunnel lies within the historic floodplain of the River Ludon.

The Agency objects to the applicants proposal to raise the floor level in the tunnel by 200mm above the highest known flood level unless flood plain compensation is provided on a level for level basis outside of the flood plain.

Following the submission of further information by the applicant addressing the issue of flood plain compensation, the Environment Agency does not object subject to the developments being carried out in accordance with the compensatory flood storage works.

##### Internal Council Advice

- 4.2 Traffic Manager - no objection.
- 4.3 Conservation Manager - no objection subject to the implementation of a landscaping scheme.

#### **5. Representations**

- 5.1 Yarkhill Parish Council - no objection and note the judicious tree planting proposed.
- 5.2 Much Cowarne Parish Council - no objection.
- 5.3 County Land and Business Association - note that the applicant has adopted Herefordshire Council's code of best practice by using trees and shrubs to provide screening. The polytunnel is sympathetically sited and support the application.
- 5.4 CPRE - The proposed development is very large and will have an adverse visual impact in an area of high landscape value. The screening is inadequate and the polytunnel is in the flood plain.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

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

- 6.1 The concerns raised by the CPRE in relation to visual impact and issues relating to the flood plain are not supported by other consultation responses. The Environment Agency are satisfied that the impact on the flood plain can be satisfactorily mitigated through the works proposed by the applicant. Any approval should be conditional that the scheme is carried out in accordance with those details.



- 6.2 Landscape impact can be addressed by condition. The submitted plans indicate that additional planting will be undertaken. The Council’s Landscape Officer makes further suggestions with regard to preferred species and this can be agreed if planning permission is forthcoming.
- 6.3 The proposed polytunnel will not be visually prominent from public vantage points and subject to the condition recommended above can be appropriately integrated into the landscape. The scheme is therefore considered to accord with Development Plan policies and is accordingly 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 - G04 (Landscaping scheme (general) )**

**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.**

- 4 - Prior to commencement of development, compensatory flood storage works shall be implemented, in accordance with the details submitted on plan ref: LRCL.4C. The scheme shall be implemented with the approved programme and details.**

**Reason: To alleviate the increased risk of flooding.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**13 DCNE2005/0362/F - PROPOSED TWO STOREY  
EXTENSION AT FORTUNES GATE, PETTY FRANCE,  
LEDBURY, HEREFORDSHIRE, HR8 1JG**

**For: Mr & Mrs W Wiggin, Derrick Whittaker Architects  
1 Farjeon Close New Mills Ledbury Herefordshire HR8  
2FU**

**Date Received:  
7th February 2005**

**Ward:  
Hope End**

**Grid Ref:  
73129, 40591**

**Expiry Date:  
4th April 2005**

Local Members: Councillor R Mills & Councillor R Stockton

**1. Site Description and Proposal**

- 1.1 The property is a large detached dwelling set in open countryside. It is of brick construction with a tiled roof and is one of a number of randomly spaced houses within the general area. It has no immediate neighbour to either side, the closest being a property immediately opposite.
- 1.2 The application seeks to add a two storey extension to the north facing gable end. This area is currently occupied by a single storey utility room and garage and this is to be removed as part of the application.
- 1.3 The existing property has a total floor area of 173 square metres. This includes the attached garage and utility room that could be converted to additional accommodation without the benefit of a planning application. This amounts to a further 28 square metres.
- 1.4 The proposed extension has a total floor area of 85 square metres. It is reasonable to discount the 28 square metres that are to be replaced as part of the scheme. Consequently new floor area amounts to 57 square metres, or 33% of the existing floor area.
- 1.5 The extension is shown to be constructed in materials to match the existing dwelling. Its ridge line is continued through at the same level, as is the hipped roof. A gabled projection is also shown to the front elevation to give the property a symmetrical appearance.

**2. Policies**

2.1 Malvern Hills District Local Plan

Housing Policy 16 – Extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and Extensions

**3. Planning History**

None relevant to this application.

**4. Consultation Summary**

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager - no objections.

**5. Representations**

5.1 Colwall Parish Council - No objections, but the windows in the proposed new construction should be symmetrical to match the existing.

5.2 CPRE - The house, enlarged as proposed, would be of a size out of keeping with its setting, obtrusive in the landscape and materially detracting from its visual quality.

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 existing dwelling is a sizeable property, set back from the road frontage. It does not assume any particular prominence in the landscape and is not dissimilar in its proportions to a number of other dwellings in the locality.

6.2 The fact that the dwelling has a hipped roof suggests that any extension should have the same form. A reduction in ridge height in the extension would result in an awkward relationship between the two elements. A continuing ridge line is therefore most appropriate and is acceptable.

6.3 Contrary to the suggestion of the Parish Council, the fenestration of the dwelling does not have a particular symmetry that is of such value to its appearance to warrant replication. The configuration of the windows is entirely acceptable as submitted.

6.4 The application therefore accords with the identified policies and is consequently 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 - 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.

Informatives:

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



## **14 DCNE2005/0492/F - ERECTION OF THREE COTTAGES AT LAND OFF QUEENS COURT, LEDBURY, HEREFORDSHIRE**

**For: Mr & Mrs J Chance, Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW**

**Date Received:**  
16th February 2005

**Ward:**  
Ledbury

**Grid Ref:**  
70666, 37620

**Expiry Date:**  
13th April 2005

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

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

- 1.1 The site is currently part of the domestic curtilage of a property known as Rockville, which fronts onto Woodleigh Road, Ledbury. It is bounded to the north and south by the domestic curtilages of neighbouring properties, and to the east by a garage compound which serves an adjacent development known as Queens Court.
- 1.2 The application site measures approximately 25 metres by 20 metres and is to be accessed via the garage compound of Queens Court.
- 1.3 The proposal is for the erection of a terrace of three 2 bed dwellings, fronting onto the garage compound. The building has been designed with a cross wing to the southern gable end. The main element of the building otherwise has a symmetrical appearance with dormer windows to front and rear elevations.
- 1.4 The rear elevation is some 30 metres distant from that of Rockville and the north facing gable end; which is blank, approximately 13 metres from dwellings fronting onto Bridge Street.
- 1.5 The main element of the proposal has a ridge height of 7 metres, with the cross wing rising to a maximum height of 8 metres.

### **2. Policies**

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

H2(B) – Housing Requirements

#### **2.2 Malvern Hills District Local Plan**

Housing Policy 2 – Development in Main Towns

Housing Policy 3 – Settlement Boundaries

Housing Policy 17 – Residential Standards

Housing Policy 18 – Tandem and Backland Development

Ledbury Housing Policy 1

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

S6 – Transport  
H13 – Sustainable Residential Design  
H15 – Density  
H16 – Car Parking  
PPG3 – Housing and  
PPG13 – Transport also relevant

**3. Planning History**

None relevant to this application

**4. Consultation Summary**Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Traffic Manager - No objections to the proposal subject to condition to require the provision of bicycle parking. Notes that parking requirements can be waived because of the site's town centre location.

4.3 Conservation Manager - The proposal would have only a minor impact of the setting of a listed building, which is already surrounded by modern development. The proposal is therefore acceptable.

**5. Representations**

5.1 Ledbury Town Council: 'Members felt that the proposal would result in an unacceptable degree of overlooking of neighbouring properties and that the access and egress for vehicular traffic is unsatisfactory.'

5.2 CPRE: 'The addition of three dwellings on this site, in the midst of other dwellings, would amount to over-development. No room for cars on site, but note that development is intended to be car free. Question whether this is practical.'

5.3 The application has generated 10 letter of objection and a petition of 14 signatories. In summary the points raised are as follows:

- 1) Overdevelopment of the site
- 2) Lack of vehicular access. To conclude that a car free development can be provided is unrealistic.
- 3) Potential for overlooking and loss of privacy.
- 4) Access to the garages will be disrupted, particularly during building work.
- 5) The finished floor level of dwellings is not shown. Site is up to 1 metre lower than garage compound.
- 6) Queries over right of access across garage compound.

5.4 One letter of support has also been received. In summary this concludes that the site's proximity to shops and facilities is advantageous.



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

The application raises a number of issues and each of these will be dealt with in turn.

### 6.1 Over-development

Policy H15 of the UDP and advice enshrined within PPG 3 – Housing advises Local Planning Authorities on housing densities. The site occupies a town centre location where densities should be between 30-50 per hectare. The density of the proposal adheres to this advice, being at the higher end. In light of Government advice, which encourages more intensive use of land, it is not reasonable to refuse this application on such grounds.

### 6.2 Access/Car Free Development

Again the guiding principles in this respect are founded in Government advice, in this case PPG 13 – Transport. Policy H16 of the UDP suggests a maximum of 1.5 car parking spaces for new housing developments, but most notably states that there should be “no minimum level of provision.” It continues that “..... off-street parking provision should reflect site location, the type of housing to be provided and the types of household likely to occupy the development .....”.

6.3 In this case the site is close to the town centre, the housing is aimed at the lower end of the open market and; as two bed accommodation is unlikely to be occupied by families. The lack of parking provision is a lifestyle choice. Clearly it is not a matter that the Council can seek to control via the imposition of planning conditions, but a matter of personal choice.

6.4 No objection is raised by the Traffic Manager, and his comments are based on the advice of PPG 13. Issues of access across the garage compound are a civil matter and should not form a justification to refuse the application. The proposal is therefore acceptable in this respect.

### 6.5 Loss of Privacy

The back to back distances between this proposal and properties on Woodleigh Road measure 30 metres; well in excess of the recommended minimum distance of 22 metres suggested for new residential developments.

6.6 The northern gable end is blank and will not cause any overlooking of properties on Bridge Street.

6.7 The proposals give no indication of boundary treatments, but these could be used to minimise any perception of overlooking. Details should be the subject of a suitably worded condition.

6.8 It is considered that the proposal is suitably distant from neighbouring dwellings to ensure that it does not cause any demonstrable loss of privacy or overbearance. The scheme accords with the relevant policies in this respect.

6.9 The overall design and appearance of the scheme is generally considered to be satisfactory, subject to details of materials. The points raised in objection to the application are not sufficient to warrant its refusal and therefore 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 - B01 (Samples of external materials )**

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

**3 - A07 (Development in accordance with approved plans )**

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

**4 - E18 (No new windows in specified elevation)**

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

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

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

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

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

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

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

**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.**

### **Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**15 DCNE2005/0605/F - PROPOSED 10 BED  
ACCOMMODATION BLOCK FOR USE WITH EXISTING  
INN FACILITIES AT NEWTOWN INN, LOWER  
EGGLETON, LEDBURY, HEREFORDSHIRE, HR8 2UG**

**For: Mr & Mrs D Raines at above address.**

**Date Received:**  
23rd February 2005

**Ward:**  
Frome

**Grid Ref:**  
61856, 44881

**Expiry Date:**  
20th April 2005

Local Member: Councillor R Manning

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

- 1.1 The application seeks permission for the erection of a 10 bedroom detached, single-storey accommodation block for use in connection with the existing Public House at The Newtown Inn. The pub is located to the southern edge of the A4103 Worcester Road, near the Newtown Crossroads. Customer car parking is accessed directly off the main road past the eastern (end) elevation of the pub.
- 1.2 It is proposed that the accommodation block be located on land immediately to the rear of the pub building, the majority of which falls within the defined Newtown/Yarkhill settlement boundary. This land is currently used as the beer garden.
- 1.3 The proposed site is level throughout, although elevated approximately 1 metre above the level of the pub. Land to the southern edge of the application site is in residential use, with a mixed residential/business use to the west.
- 1.4 The proposed building is of single-storey construction with a height to the ridge of 4.4m. The building is broadly rectangular with an overall footprint of 17m x 13.2m. It is proposed that the fully hipped roof be clad in Redland Cambrian Slate grey roof tiles, with cream rendered walls above a brick plinth.

## **2. Policies**

### National Planning Guidance

PPS7 – Sustainable Development in Rural Areas

### Malvern Hills District Local Plan

Transport Policy 3 – Provision for pedestrians and cyclists

Transport Policy 5 – Special needs access

Transport Policy 6 – Disabled persons' car parking requirements

Transport Policy 8 – Car parking and servicing requirement

Conservation Policy 16 – Development within archaeologically sensitive areas; evaluation

Tourism Policy 2 – Development of tourism

Tourism Policy 4 – Hotel development – Open countryside  
Recreation Policy 31 – Retention of existing community facilities

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable development  
S2 – Development requirements  
S8 – Recreation, sport and tourism  
S11 – Community facilities and services  
DR1 - Design  
DR2 –Land use and activity  
DR3 - Movement  
DR4 - Environment  
E6 – Expansion of existing businesses  
E11 – Employment in the smaller settlements and open countryside  
T8 – Road hierarchy  
T11 – Parking provision  
T16 – Access for all  
ARCH1 – Archaeological assessments and field evaluations  
RST12 – Visitor accommodation

### **3. Planning History**

NE05/0487/F – Proposed 2no. 3 bedroom semi-detached dwellings and improvements to existing access at Newtown Inn: Under consideration

NE04/4274/F – Conversion of stable to form pub landlord accommodation: Approved 9<sup>th</sup> February 2005

N98/0801/F – Construction of a 2-storey dwelling on land adjacent to Newtown Inn: Approved 4<sup>th</sup> February 1999.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Welsh Water: No objection

#### Internal Council Advice

4.2 Traffic Manager raises no objection subject to the provision of covered secure cycle parking.

4.3 Head of Environmental Health and Trading Standards: No objection.

4.4 Archaeological Advisor: Recommends the imposition of the standard archaeological 'site investigation' condition.

### **5. Representations**

5.1 Yarkhill Parish Council object to the proposal on the following grounds:

- The development would not be in keeping with an edge of village location and old rural pub;
- The pub garden would be lost, whilst the settlement boundary runs through the eastern third of the building;
- The existing drainage system could not cope with the extra demand;
- Owing to the presence of footpaths crossing the site vehicular parking would be limited;
- The pub, previously permitted stable conversion, accommodation block and semi-detached dwellings would make for a density of building unsuitable for a semi-rural location.

5.2 Two letters of objection have been received. They come from the occupants of the dwellings immediately adjacent to the application site.

Mr A J Hawkins, Stretton View, Lower Eggleton, Herefordshire  
Mr D H & Mrs V M. Wharton, Porch House, Lower Eggleton, Herefordshire

5.3 The objections can be summarised as follows:

- Loss of village amenity and character;
- Development is too dense and not in keeping with the existing pattern of development;
- The building exceeds the line of the settlement boundary, which is removed altogether in the Unitary Development Plan;
- There would be insufficient parking;
- The development would adversely affect the residential amenity of neighbouring residents;
- The loss of the beer garden is unacceptable;
- There is insufficient justification for a development of this nature. Similar enterprises have failed due to lack of demand.

5.4 The applicant has submitted a letter in support of the application. The points raised are summarised as follows:

- Market research indicates that there is a shortfall in accommodation in the county and this view is confirmed by the various tourism authorities in both Herefordshire and Worcestershire;
- The Council's "Where to stay?" guides demonstrate a lack of accredited hotels;
- We are told that several farmhouse B&B providers have closed because they cannot meet the relevant regulations following the Disability Discrimination Act;
- The Inn has three en-suite rooms, all of which have been fully refurbished – people have been turned away prior to any marketing or advertising campaign;
- The only way to maintain the business is to provide accommodation of a high standard, which will enable us to survive.

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

## 6. Officers Appraisal

6.1 The main issues for consideration in the determination of this application are:

- 1) The principle of development
- 2) Issues of residential and visual amenity
- 3) Density, layout and design
- 4) Other material considerations

### 6.2 The principle of development

The Newtown/Yarkhill settlement, as defined in the Malvern Hills District Local Plan, includes the pub building and beer garden, although the car park to the east is excluded and thus termed open countryside. A portion of the proposed accommodation block does extend into the car park and as a consequence, two bedrooms and approximately a third of the sun lounge, are technically outside the settlement boundary.

Clearly there is a fundamental policy presumption against new residential development in the open countryside although a separate policy context is considered to apply here. No single policy is applicable in isolation, rather a variety of policies that relate to the expansion of existing rural businesses and provision of visitor facilities along with the other considerations referred to at 2.2, 2.3 and also at 6.1.

Tourism Policy 4 of the Malvern Hills District Local Plan is considered particularly relevant in the consideration of this application, specifically the principle of development. The policy specifies the exceptional circumstances where new hotel development in the open countryside may be permitted. Although the bulk of the new build is within the defined settlement boundary the spirit of this policy is considered applicable. Amongst other things the policy requires that new hotel development should be sited within or immediately adjacent to a settlement.

PPS7 – Sustainable Development in Rural Areas recognises that Local Planning Authorities will have to make provision for some limited development outside of defined settlements. Paragraph 4 states that:

“Planning authorities should set out in Local Development Documents their policies for allowing some limited development in, or next to, rural settlements that are not designated as local service centres, in order to meet local business and community needs and to maintain the vitality of these communities.” (PPS7, 2004)

Having regard to the current adopted local plan policy and national guidance it is considered that the principle of development of this type at this location is acceptable.

### 6.3 Issues of residential and visual amenity

Representation from the Parish Council and neighbouring residents has voiced concern over the scale of the proposed development at this edge of settlement location. Principally an assessment has to be made as to the acceptability of the use given the proximity of the dwelling “Stretton View” to the immediate south and Porch House located adjacent to the crossroads. In the first instance, the distance to Porch House at over 30 metres in addition to existing and proposed boundary treatments is



considered sufficient to ensure that there would be no adverse impact upon the amenity of the occupants of this dwelling.

The neighbour at Stretton View is in far closer proximity to the development site and this relationship is considered more pertinent. Stretton View itself is a 2-storey dwelling constructed only 3 metres from the mutual property boundary. The dwelling is orientated so as to make best use of the aspect to the south and as a result the windows to the north (pub) facing elevation are at ground floor.

The proposed accommodation block has four windows facing Stretton View, two of which serve bedrooms, the other two serving en-suite facilities. In view of the existing boundary treatment and orientation of development it is not considered that an objection on the grounds of loss of either light or privacy to Stretton View could be sustained.

By virtue of its relatively low profile the building would not, in the officer's opinion, impact unacceptably on the visual amenity of the wider area. The building would be largely screened by existing development from the northern and western aspects, with some limited long-range views possible from the south. The building would be visible when approached from the east, although this would be mitigated by the presence of existing mature hedgerows and trees.

To conclude, the proposed development is not considered to represent an unacceptable adverse impact upon the residential amenity of neighbouring residents or the visual amenity of the wider area.

#### 6.4 Density, layout and design

The existing pattern of development in this edge of settlement location can be characterised as well spaced, comprising both residential and commercial uses. Predominantly development is located along the frontage of the A4103 although there are exceptions.

The proposed development has a large footprint, fills the majority of the existing beer garden and as a consequence closes the open space between the rear of the pub and Stretton View.

It should be recognised however, that the large footprint is a result of the design rationale, notably the desire to keep the height of the building as low as possible.

The appearance of the building is somewhat utilitarian although this is considered acceptable given the use of materials and limited impact on the wider landscape.

#### 6.5 Other Material Considerations

Other than the issues referred to above it is considered that access and parking and the retention of the existing facility form further material considerations.

The Traffic Manager raises no objection to the proposal on the issue of access and parking, although it is recommended that provision be made for secure cycle parking. It is also considered appropriate that should members be minded to approve the application a condition be imposed requiring that the car parking area be formalised and properly controlled to prevent indiscriminate parking and inefficient use of space.

Disabled parking provision would also be required as per Transport Policy 8 of the Adopted Local Plan.

It is recognised that the owners of Stretton View have a right of vehicular access over the car park, although this constitutes a civil issue and does not form one of the planning considerations.

Letters of representation raise the issue of the loss of the beer garden and the subsequent effect that this may have on the viability of the public house. However, the loss of this facility is considered acceptable having regard to the nature of the proposed development, which is intended to maintain the viability of the existing business.

### Summary

The material planning considerations in the determination of this application are varied and do not sit within a particular policy niche. The bulk of the proposed development sits within the existing defined settlement boundary and it is considered that a small incursion into open countryside is acceptable in this context. Further to this are the issues of amenity outlined at 6.3 and the desire to retain an existing rural enterprise.

On balance it is concluded that the application should be 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 - B01 (Samples of external materials )**

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

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

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

**5 - 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 [.....].**

6 - E15 (Restriction on separate sale )

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

7 - E18 (No new windows in specified elevation )

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

8 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

9 - F18 (Scheme of foul drainage disposal )

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

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

Reason: To safeguard residential amenity and prevent pollution.

11 - G01 (Details of boundary treatments )

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

12 - H15 (Turning and parking: change of use - commercial )(40 cars)

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

13 - 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(s):

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

2 - ND03 - Contact Address

Decision: .....

Notes: .....

.....

Background Papers

Internal departmental consultation replies.



**16 DCNE2005/0638/F - PROPOSED WAREHOUSE  
EXTENSION AND A SECTION OF RAISED ROOF  
AMCOR FLEXIBLES, LOWER ROAD INDUSTRIAL  
ESTATE, LEDBURY, HEREFORDSHIRE, HR8 2DJ**

**For: Amcor Flexibles Ledbury per Blencowe  
Associates, Old Parish Barn, Sandford St. Martin,  
Oxfordshire, OX7 7AG**

**Date Received:**  
**25th February 2005**

**Ward:**  
**Ledbury**

**Grid Ref:**  
**70069, 37601**

**Expiry Date:**  
**22nd April 2005**

Local Member: Councillors P Harling, B Ashton & D Rule MBE

**1. Site Description and Proposal**

- 1.1 This application is for the erection of a warehouse extension and to raise the roof of part of the existing building at Amcor Flexibles, Lower Road Industrial Estate, Ledbury.
- 1.2 The application arises from the business restructuring plans and a relocation of part of its operation to Ledbury.
- 1.3 The new warehouse extension has a floor area of approximately 1760m<sup>2</sup> and is positioned on the western elevation of the existing premises, which currently has a floor area well in excess of 9,000m<sup>2</sup>. It measures 15 metres to its highest point and is to be clad in profiled sheet. The area currently appears to be the main point for deliveries to the factory.
- 1.4 The increased roof height in the existing building is required to accommodate new larger and more efficient machinery used in the production of flexible packaging. This particular element extends to a height of 21 metres.
- 1.5 The majority of the existing building has a height of 10 metres, with elements of it up to 16 metres tall.
- 1.6 The premises occupy land allocated for industrial and commercial use and form part of the wider Lower Road Industrial Estate. Residential dwellings lie to the south and south west of the application site, the closest being approximately 60 metres from the existing factory and 100 metres from the proposed warehouse extension.
- 1.7 A public footpath skirts the northern boundary of the site and the plans have been amended since their original submission to account for this and to ensure that a diversion order is not necessary.

## 2. Policies

### 2.1 Malvern Hills District Local Plan

Employment Policy 4 – Design Standards on Industrial Estates  
Employment Policy 10 – Expansion on Industrial Estates

### 2.2 Hereford and Worcester County Structure Plan

E12 – Industrial Development in Urban Areas

### 2.3 Herefordshire Unitary Development Plan

E6 – Expansion of Existing Businesses  
E8 – Design Standards for Employment Sites

## 3. Planning History

3.1 NE02/2141/F - Warehouse extension and office refurbishment - Approved 30/08/02.

## 4. Consultation Summary

### 4.1 Statutory Consultations

None required.

### Internal Council Consultations

4.2 Transportation Manager - No objection subject to condition to provide covered cycle parking and in light of amendments to the fence line no objection subject to a note stating that the minimum width of the footpath should be 2 metres with regard to the public right of way.

4.3 Environmental Health Officer:

‘Although the warehouse extension will increase the size of the factory, I understand that there will be no flues, additional fans or equipment that might increase noise levels to the nearest housing (some 150m). I also understand that the HGV deliveries on the adjacent yard will remain unchanged by this development – this includes night time activity. However, I am informed that plastic resin deliveries and skip collections will continue to take place only between the informally set times of 0700 and 1900. This application could take the opportunity to regularise this as a planning condition.

The raised roof part of the application results from the relocation of the ‘casting activity’ off site and their replacement with new blowing/extrusion machines, which require greater headroom. Although I understand that no new flues will be constructed, there will be some roof level ventilation of ozone from fans. However, as similar fans exist for the same purpose on the existing and adjacent extrusion lines, an increase in noise is not anticipated, especially bearing in mind the distance of the nearest housing (some 120m).’

## 5. Representations

- 5.1 CPRE - No objection but suggest the colouration of profiled sheeting is too light and would suggest a darker, more subdued colour.
- 5.2 Ledbury Town Council - Recommend approval subject to roof colouring and protection of footpaths.
- 5.3 The Ramblers Association - Draw attention to the rights of way in proximity to the application site and ask that developer is made aware of legal requirements to maintain and keep clear the public right of way.
- 5.4 Two letters of objection have been received from Miss C Pritchard, 35 Lower Road, Ledbury and Mr C Gummery and Miss E Shail, 37 Childer Road, Ledbury. In summary the points raised are as follows:
- Any extension will increase noise pollution.
  - Raising of the roof will affect the amenity of surrounding properties.
  - Possibility for overshadowing to occur.
  - Potential increase in traffic
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The site forms part of a well established industrial estate where there is a presumption in favour of the expansion of existing businesses, subject to particular criteria, of those relating to residential amenity would appear to be most relevant.
- 6.2 As previously stated, the warehouse extension is approximately 100 metres from existing dwellings and occupies an existing service delivery area.
- 6.3 The applicant's agent advises that there will be no increase in traffic movement as the business currently operates under a policy of off-site warehousing. This has become costly and ineffective and currently requires four articulated lorry journeys per day. By providing on-site storage facilities these journeys will be eliminated.
- 6.4 With regard to the increase in roof height, the applicant advises as follows:

"Roof alterations are essential for the installation of additional Blown Extrusion machinery. The Ledbury factory is operating at 150% extrusion capacity. In order to meet the required volumes, we are currently utilising production capacity from factories in Denmark, Poland and Portugal. The current planning application forms part of the business strategy to install new production machinery at Ledbury, which will offer sufficient capacity in order to eliminate the dependency on outsourcing. The machinery required is very similar to existing extrusion machines at Ledbury, which occupy the existing raised roof section of the factory. Due to the vertical nature of blown extrusion machines and following consultation with the equipment manufacturers, the additional height is essential for the equipment to operate safely and effectively".

6.5 The proposals will undoubtedly increase the visual impact of the existing industrial buildings. This will be mitigated to a degree by bunding which acts as a screen to properties on Lower Road and Childer Road.

6.6 However, it is considered that the benefits to be derived from allowing this application outweigh any issues of visual prominence and the application is therefore recommended for approval.

**RECOMMENDATION**

**That planning permission be granted subject to 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 - B11 (Details of external finishes and cladding (industrial buildings) )**

**Reason: To secure properly planned development.**

**3 - 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.**

**4 - A09 Amended plans**

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

**5 - All deliveries of plastic resin and collections/deliveries of skips from the proposed warehouse extension and adjacent yard area shall only be permitted on site between the hours of 0700 and 1900, Monday to Friday and 0800 to 1400 on Saturdays. No such deliveries or collections shall take place on Sundays or Bank Holidays.**

**Reason: In the interests of adjacent residential dwellings.**

**Informatives:**

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

**2 - HN2 (Public Rights of Way Affected)**

Decision: .....

Notes: .....

.....



**Background Papers**

Internal departmental consultation replies.



**17 DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ**

**For: Shaw Healthcare Herefordshire Ltd per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff, CF10 4AH**

**Date Received:**  
3<sup>rd</sup> March 2005

**Ward:**  
Ledbury

**Grid Ref:**  
70744, 38028

**Expiry Date:**  
28th April 2005

Local Members: Councillors P Harling, B Ashton & D Rule MBE

**1. Site Description and Proposal**

- 1.1 This application is for the erection of a new extra care home, a 20 place day centre and associated facilities on the site of the existing Leadon Bank Nursing Home on Orchard Lane, Ledbury.
- 1.2 The proposal comprises a mixed height development. The original submission ranged from single to five storeys, its maximum height being 16 metres. However, the plans have now been amended and no part of the scheme exceeds 3½ storeys.
- 1.3 The proposal has been designed as two residential wings linked by the new day care area. The first wing seeks to create a road frontage along Orchard Lane, and this is stepped to create visual breaks and a reduction in its dominance. It is 3½ storeys, utilising the roof space, and this brings the height down to 13.4 metres. The second wing lies behind and comprises a 2½ storey element, 10.3 metres in height. The two are linked by the single storey day care area. This forms the main entrance to the premises and creates a focal point when approaching via the main vehicular access, which is to be retained as existing.
- 1.4 The rationale of the scheme is such that it will be constructed on site prior to the demolition of the existing care home. This was made as a fundamental design requirement in order that existing residents can remain in occupancy whilst the new facilities are constructed and avoid a temporary move to other accommodation.
- 1.5 In light of this constraint, the proposal is located on an area of land between the existing building and the Orchard Lane road frontage.
- 1.6 The site slopes generally in a west/east direction with a further drop at the boundary with Orchard Lane. At its greatest, the difference between the two amounts to approximately 1.5 metres. The application includes a comparative height study that shows the proposal in relation to Orchard Lane and other features in the immediate area including Belle Orchard House, a Grade II Listed Building, and residential dwellings to the rear (north) of the site.

- 1.7 The site is well vegetated with a range of mature trees and hedgerows providing that the existing care home is almost totally obscured from view from Orchard Lane. The application also includes a full tree survey, identifying those which are in need of attention and those that are healthy. An ecological report also accompanies the application.

## **2. Policies**

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

CTC9 – Development Requirements  
CTC11 – Trees and Woodlands

### **2.2 Malvern Hills District Local Plan**

Conservation Policy 11 – The Setting of Listed Buildings  
Housing Policy 17 – Residential Standards

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

S1 – Sustainable Development  
DR1 – Design  
DR3 – Movement  
LA5 – Protection of Trees, Woodland and Hedgerows  
LA6 – Landscaping Scheme  
HBA4 – Setting of Listed Building  
CF5 – New Community Facilities  
CF7 – Residential Nursing and Care Homes

## **3. Planning History**

None relevant to this application.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None received.

### Internal Council Advice

- 4.2 Traffic Manager - no objection subject to conditions. These are to include the provision of secure cycle parking for employees, the completion of a 'Green Travel Plan' prior to the commencement of development and the provision of an ambulance parking bay.
- 4.3 Head of Environmental Health and Trading Standards - no objection subject to conditions to restrict construction times.
- 4.4 County Archaeologist - no objection.

- 4.5 Conservation Manager: 'This proposal would introduce a major vertical emphasis to the streetscape, which it currently lacks. The architect has attempted to break this up by varying the height stepping forwards and back and using a variety of materials. In principle this would appear to be a reasonable strategy and hopefully would lessen the impact. However given the current heights to the street of 2 storey Victorian housing and the somewhat large 3 storey adjacent listed building I believe that this scheme may still prove to be too dominant within the streetscape as a whole. It may therefore be useful to contemplate reducing this elevation by 1 storey in scale and introducing more height to the rear block. Other minor alterations that may improve the visual impact would be to break up the large render panel proposed for the main north elevation. Perhaps using either windows or another material possibly even some form of public art.'

## 5. Representations

- 5.1 Ledbury Town Council comment as follows: 'Members considered the proposals to be totally out of keeping for the area. A 5 storey building would be alien to Ledbury. The resulting height, combined with the use of the proposed balconies would create an unacceptable degree of overlooking of the neighbouring properties. Lack of sufficient car parking facilities would result in overspill into surrounding areas. The building is overbearing due to the close proximity to the footway in Orchard Lane. Members queried the effect this proposal would have upon the 'Safer Routes to Schools'. The scale, mass, height, form and design would dominate the streetscene and adversely affect the residential amenity of the neighbouring properties.'

- 5.2 25 letters of objection and a reproduced letter submitted by 122 individuals (effectively treated as a petition) also objecting to the application have been received. In summary the points raised are as follows:

- 1) There is no precedent for five storey buildings in Ledbury.
- 2) The proposal will be overly dominant and will have a major impact on the surrounding area.
- 3) The design and choice of materials is not inkeeping with the surrounding area.
- 4) The introduction of balconies will reduce privacy for local residents.
- 5) The proposal will cause highway safety issues, particularly due to the proximity of the primary school and recreation area opposite.
- 6) The scheme provides insufficient car parking, both for residents and employees.
- 7) The scheme requires the removal of many trees and the reduction of the roadside hedge. This will reduce the sense of open space.

Many of the letters highlight that there is not an objection in principle to the redevelopment of the care home site, simply to the manner in which this scheme proposes it.

- 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 In broad terms, this is a very well considered planning application. It provides a high level of detail and covers all of the key issues that are of relevance.
- 6.2 Nevertheless, it has generated a significant degree of public interest and a large number of letters of representation. If this application is to be considered favourably the issues raised by the objectors should be given careful thought.
- 6.3 The general form and layout was discussed at some length with officers prior to the submission of the application, and the submitted scheme generally follows those discussions. It is your officer's opinion that the creation of a frontage development is most appropriate given the constraints of the site and the desire to retain the existing building until completion of any future development. The contours of the site allow for the frontage to be of a mixed height and set back to create visual breaks and shadow lines, adding interest to the appearance of the development. It is accepted that this approach will require the removal of a number of trees and the reduction of the roadside hedgerow. The applicant's agent has given careful consideration to this and the layout seeks to minimise the level of vegetation removal.
- 6.4 The positioning and layout of the scheme is therefore accepted. The scheme indicates that substantial re-landscaping will occur and this could be addressed through a suitably worded condition.
- 6.5 In accepting the proposed layout it is also acknowledged that the existing point of vehicular access is most appropriately re-used. The Traffic Manager does not object to this and by doing so further incursions into the Orchard Lane road frontage are avoided.
- 6.6 The applicant's agent advises that the car parking provision is based on data from fully operational extra care developments. They advise that this indicates a very low level of car ownership amongst residents, often due to mental or physical frailties, which prohibit driving.
- 6.7 The parking provision has not been queried by the Traffic Manager. The site is in close proximity to services and facilities in Ledbury and in this respect is considered to be a sustainable location. Such an approach is reflective of advice given by PPG13 – Transport which adopts a flexibility towards car parking standards in town centre locations. This aspect of the proposal is also considered to be acceptable, subject to the preparation of a Green Transport Plan.
- 6.8 It therefore falls to consider the design, scale and appearance of the proposed scheme. The comments of the Conservation Officer are most pertinent here. The employment of a variety of methods, breaking the height, varying material choice and introducing shadow lines, all go some way to reducing the overall bulk and dominance of the building along the road frontage. The application has been amended since its original submission. The height of the 5 storey element has been reduced to 3½ storeys and further breaks have been introduced into the roof. These amendments are considered to address the concerns of height and dominance and the application is therefore considered to be acceptable in this respect.

- 6.9 Further concerns have been raised regarding the introduction of balconies into the front elevation and the potential overlooking that this might cause. The building is orientated in a manner that looks out across the recreation area opposite and not directly onto other properties. It is therefore considered to be unreasonable to suggest that the application should be refused on the grounds of loss of residential amenity.
- 6.10 In conclusion, the dominance of the building in the streetscape has to be considered against the recognised need for this type of accommodation in Ledbury. On balance, it is your officer's opinion that the amended scheme satisfactorily addresses the concerns raised by the objectors. The amendments are currently the subject of a re-consultation exercise and, provided that no new material objections are raised, it is recommended that the application is delegated to named officers for approval.

## **RECOMMENDATION**

**Subject to no new material planning considerations being raised through further consultation procedures, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions:**

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

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

**2 - A09 (Amended plans)**

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

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

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

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

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

**5 - F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**6 – F48 (Details of slab levels)**

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

**7 - G01 (Details of boundary treatment)**

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

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

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

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

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

**10 - 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.

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

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

**12 - Prior to the commencement of the development hereby approved, a 'Green Travel Plan' shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.**

**Reason:** To promote sustainable forms of transport.

**13 - Before the development hereby approved is first brought into use an ambulance parking bay shall be properly demarcated within the application site, in accordance with details to be submitted to and approved in writing by the local planning authority. The bay shall remain available for ambulance parking at all times.**

**Reason:** To ensure adequate parking provision is made for emergency vehicles.

**Informative:**

**1. N15 – (Reasons for planning permission)**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**18 DCNE2005/0718/RM - ERECTION OF DWELLING FOR USE OF EQUINE WORKER AT SEVERN ACRE RIDING SCHOOL, HAM GREEN, MATHON, MALVERN, HEREFORDSHIRE, WR13 5PQ**

**For: Mrs J Jones per Michael A Brown Design, Manor Farm Barn, Hadzor, Droitwich, WR9 7DH**

**Date Received:**  
3rd March 2005

**Ward:**  
Hope End

**Grid Ref:**  
75249, 44520

**Expiry Date:**  
28th April 2005

Local Members: Councillor R Mills & Councillor R Stockton

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

- 1.1 Severn Acres Riding School is an established use comprising a riding area, stabling and various associated buildings and structures. The site is located in open countryside and falls within the Area of Outstanding Natural Beauty. It lies at a 'T' junction and can be accessed by an existing gateway that lies approximately 50 metres to the north.
- 1.2 This is a reserved matters application following the grant of outline planning permission under application reference NE2004/3147/O. It established the functional and financial need for permanent occupation of the land in connection with the riding school.
- 1.3 The details of this application show a three bed dwelling with an attached single garage. It has an internal floor area excluding the garage, of 152m sq and measures 7.3m to the highest point of the ridge. The plans indicate that the dwelling will be finished in brick with a clay tile roof and timber window casements.

## **2. Policies**

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

H20 – Housing in Rural Areas  
CTC1 – Areas of Outstanding Natural Beauty

### **2.2 Malvern Hills District Local Plan**

Housing Policy 4 – Development in the Countryside  
Housing Policy 5 – Housing for Agricultural and Forestry Workers  
Housing Policy 7 – Siting and Design of Agricultural Dwellings  
Landscape Policy 1 – Development Outside Settlement Boundaries  
Landscape Policy 2 – Areas of Outstanding Natural Beauty

### 3. Planning History

NE2004/3147/O - Site for equine workers dwelling - Approved 25/11/04 - Includes a condition to restrict the occupancy of the dwelling.

NE2001/2599/F - Permanent retention of portacabin for office/toilet facility - Approved 29/11/01.

MH95/0088 - Outdoor all weather riding arena and feed store - Approved 14/06/95.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required.

#### Internal Council Advice

4.2 Traffic Manager - No objections subject to conditions.

### 5. Representations

5.1 Mathon Parish Council comments as follows: 'Strong objection was raised to the application for the erection of a dwelling for use of an equine worker and the following comments were sent to the Planning Officer:

a) The height of the proposed dwelling is too high and the design is not in keeping with the surroundings.

b) The proposed development should be much smaller, less obtrusive, single storey dwelling to blend in with the landscape and the existing stables.

c) The development site is within the Area of Outstanding Natural Beauty and the proposed large dwelling would be seen from the Malvern Hills.

The Parish Council request that its views on the size and design of the proposed dwelling are seriously considered by the Committee and that if approval is granted it should be subject to a Section 106 Agreement to tie the dwelling to the riding school to prevent wither being sold separately.'

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 principal of residential development has been accepted on the site through the approval of the outline application. The issues to be considered here are those raised by the Parish Council, the scale, design and proportions of the proposed dwelling, the preference for a single storey building and the impact on the Malvern Hills Area of Outstanding Natural Beauty.

### Scale, Design and Proportion

- 6.2 The plans show a cottage style design with dormer windows serving first floor accommodation. It introduces window cill and header detailing and also includes the provision of an external chimney-stack. The road facing elevation retains a simple appearance with a degree of symmetry focused around the central entrance. At a height of 7.3 metres the dwelling is not overly tall and the single storey element attached to the north-western gable end assists in reducing any perception of bulk. A first floor balcony is shown in the rear elevation, but this is not visually prominent and will not cause any loss of privacy due to the lack of any close neighbour. The use of natural materials throughout is a further positive aspect and at 152m<sup>2</sup> the dwelling is appropriately sized to serve the enterprise. A condition to prevent the conversion of the garage to habitable accommodation is recommended to ensure that the size of the dwelling is not increased through its conversion.

### Single Storey Accommodation

- 6.3 Bungalows are not generally considered to be part of the historic context of the open countryside, but are more characteristic of residential areas. A condition was not imposed requiring the accommodation to be single storey as it was not considered to be necessary, one of the tests pertaining to the imposition of planning conditions as advised by Circular 11/95. The provision of two-storey accommodation is entirely acceptable.

### Impact of the Area of Outstanding Natural Beauty

- 6.4 Development if this nature will always be visible in the wider landscape. This in itself does not necessarily mean that it will be detrimental to it, provided that it is constructed to a high standard. As previously stated, the proposal is well detailed and uses natural materials. These are key to enduring that any development sits comfortably within its surroundings. It is considered that this proposal will have a minimal impact on the Area of Outstanding Natural Beauty and is therefore acceptable in this respect.

### Conclusion

- 6.5 The scheme has been well considered. It is acceptable designed and is appropriately sized. Its impact on the surrounding landscape is limited and therefore it accords with the relevant policies in these respects. The dwelling relies upon an existing access which subject to some modification, is acceptable. The outline consent is covered by an occupancy condition and there is no need for this to be replicated here.

The application is considered to be acceptable and is accordingly recommended for approval.

## **RECOMMENDATION**

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

- 1 - A07 (Development in accordance with approved plans )**

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

2 - B01 (Samples of external materials )

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

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

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

4 - C05 (Details of external joinery finishes )

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

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

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

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 - H05 (Access gates )

Reason: In the interests of highway safety.

8 - H09 (Driveway gradient )

Reason: In the interests of highway safety.

9 - H12 (Parking and turning - single house )

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

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway
- 6 - N09 – Approval of reserved matters

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

