

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 18th May, 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, J.P. Thomas and J.B. Williams

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>3. MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 20 April, 2005.</p>	1 - 16
<p><b>4. CHAIRMANS ANNOUNCEMENTS</b></p> <p>To note any announcements by the Chairman.</p>	
<p><b>5. ITEM FOR INFORMATION - APPEALS</b></p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	17 - 20
<p><b>6. APPLICATIONS RECEIVED</b></p> <p>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.</p> <p>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.</p> <p>Agenda items 7 is an application deferred for site inspections at the last meeting and items 8 onwards are new applications.</p>	

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|-----|--|---------|
| 7.  | <p><b>DCNE2005/0492/F - ERECTION OF THREE COTTAGES AT LAND OFF QUEENS COURT, LEDBURY, HEREFORDSHIRE FOR: MR &amp; MRS J CHANCE, WALL, JAMES &amp; DAVIES 15-23 HAGLEY ROAD STOURBRIDGE WEST MIDLANDS DY8 1QW</b></p> <p>Ward: Ledbury</p>  | 21 - 26 |
| 8.  | <p><b>DCNC2004/2148/F - RETROSPECTIVE APPLICATION TO REMOVE CONDITIONS 2 &amp; 3 (PLANNING PERMISSION 97/0953/N) AND CONDITION 5 (PLANNING PERMISSION 900852) TO ALLOW THE SALE OF NON-CONVENIENCE GOODS AND TO ALLOW CLASS A1 RETAIL USE WITHIN THE FORMER CRECHE FACILITY AT SAFEWAY STORES PLC, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH FOR: SAFEWAY STORES LTD PER DTZ PIEDA CONSULTING 10 COLMORE ROW BIRMINGHAM B3 2QD</b></p> <p>Ward: Leominster South</p> | 27 - 30 |
| 9.  | <p><b>DCNC2005/0103/F - DEMOLITION OF ONSITE CABINS AND 1970'S EXTENSION. CONVERSION AND EXTENSION TO SHARED HOUSE AT GRANGE HOUSE, THE GRANGE, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP FOR:MARCHES HOUSING ASSOCIATION PER BERNARD TAYLOR ASSOCIATION ELIZABETH HOUSE 486 DIDSBURY ROAD HEATON MERSEY STOCKPORT SK4 3BS</b></p> <p>Ward: Leominster South</p>  | 31 - 36 |
| 10. | <p><b>DCNE2005/0913/F - CONVERSION OF FORMER NURSERY UNIT TO RESIDENTIAL USE AT WYE FRUIT LTD, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG FOR: WYE FRUIT FARM LTD PER STMR ARCHITECTS, BIDEFORD HOUSE, CHURCH LANE, LEDBURY, HEREFORDSHIRE, HR8 1DW</b></p> <p>Ward: Ledbury</p>   | 37 - 40 |
| 11. | <p><b>DCNE2005/1000/F - CONVERSION OF EXISTING PUBLIC HOUSE TO 4 FLATS AND 1 NO HOUSE, 1 NO NEW HOUSE INCLUDING GARAGES AND CAR PARKING, USING EXISTING VEHICULAR ACCESS AND DEMOLITION OF OUTBUILDINGS AT THE ODDFELLOWS, WALWYN ROAD, COLWALL MALVERN, WORCESTER FOR: LEDBURY PARK DEVS LTD PER MR N SHEPHERD GOLDEN LEA GRAFTON LANE BINTON STRATFORD ON AVON W37 9TZ</b></p> <p>Ward: Hope End</p>   | 41 - 46 |

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| 12. | <p><b>DCNE2005/1008/F - ADDITIONAL LINKED TWO STOREY DWELLING, FORMATION OF REAR AMENITY SPACE AND EXTENSIONS &amp; DCNE2005/1009/C - DEMOLITION OF OUTBUILDINGS AND GROUND FLOOR EXTENSION TO 2 THORNES PLACE LAND AT REAR OF THE FORMER PLOUGH HOTEL, 74 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BX FOR: MR R S JONES HARCOURT DESIGN ASSOCIATES THE OLD BELL HARCOURT ROAD MATHON MALVERN WR13 5PG</b></p> <p>Ward: Ledbury</p> | 47 - 52 |
| 13. | <p><b>DCNW2005/0573/F - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF FARM YARD AND AGRICULTURAL BUILDING TO PLANT HIRE BUSINESS AND SITING OF PORTACABIN AT HOME FARM, BIRCHER, LEOMINSTER, HEREFORDSHIRE, HR6 0AX FOR: MR B MANTLE PER JOHN AMOS AND CO. LION HOUSE BROAD STREET LEOMINSTER HEREFORDSHIRE HR6 8BT</b></p> <p>Ward: Bircher</p>   | 53 - 60 |
| 14. | <p><b>DCNW2005/0743/F - CONVERSION AND EXTENSION OF EXISTING OUTBUILDINGS TO FORM NEW SINGLE STOREY DWELLING AT 2 LUGG GREEN COTTAGES, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SW FOR: MR B BOTWOOD PER SOUTHGATE ASSOCIATES, THE STUDIO, SUNNY BANK, KINGSLAND, HEREFORD, HR6 9SE</b></p> <p>Ward: Bircher</p>  | 61 - 66 |
| 15. | <p><b>DCNW2005/0752/F - CHANGE OF USE FROM PADDOCK TO RESIDENTIAL CURTILAGE AT THE BOTHY, LOWER HERGEST, KINGTON, HR5 3EN FOR: MR D BROADLEY AT THE SAME ADDRESS</b></p> <p>Ward: Kington Town</p>  | 67 - 72 |
| 16. | <p><b>DCNW2005/1097/F - ERECTION OF ONE DWELLING WITH INTEGRAL GARAGE AT THE BIRCHES, ALMELEY, HEREFORDSHIRE, HR3 6LQ FOR: MR &amp; MRS F HARRIS PER MS R REED, REED ARCHITECTS LLP, HERONGATE, CARMEL COURT, PRESTEIGNE, POWYS, LD8 2LD</b></p> <p>Ward: Castle</p>  | 73 - 78 |
| 17. | <p><b>DCNW2004/3076/F - CHANGE OF USE TO SITE FOR CARAVANS FOR FRUIT PICKERS (RETROSPECTIVE APPLICATION) AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NEFOR: E &amp; J PRICE AT SAME ADDRESS</b></p> <p>Ward: Castle</p>   | 79 - 88 |



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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, 20th April, 2005 at 2.00 p.m.**

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

**Councillors:** B.F. Ashton, W.L.S. Bowen, 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,  
R.V. Stockton, J.P. Thomas and J.B. Williams

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

**237. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs L.O Barnett, R.B.A. Burke, T.M. James and D.W. Rule.

**238. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
Cllr P.J. Dauncey Cllr R.M. Manning	10 – DCNC/2005/0062/F – New build family centre at rear of Top Garage, Panniers Lane, Bromyard, Herefordshire, HR7 4QU	prejudicial and left the meeting for the duration of this item.
Cllr J. Stone	13 – DCNE2005/0362/F - Proposed two storey extension at Fortunes Gate, Petty France, Ledbury, Herefordshire, HR8 1JG	prejudicial and left the meeting for the duration of this item.
Cllr B.F. Ashton	14 - DCNE2005/0492/F - Erection of three cottages at land off Queens Court, Ledbury, Herefordshire,	prejudicial and left the meeting for the duration of this item.
Cllr P.E. Harling	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	prejudicial and left the meeting for the duration of this item.

**239. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 30th March, 2005 be approved as a correct record and signed by the Chairman.

**240. ITEM FOR INFORMATION - APPEALS**

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

**241. 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.

**242. 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**

Councillor J Stone asked the Sub-Committee to take into consideration the fact that the applicant proposed that the dwelling would be comprised of affordable housing for his son. He had said that his son had always lived in the village, did not wish to move away and was employed by him in Leintwardine. Although sympathetic to the needs of the applicant, the Sub-Committee did not feel that such a dwelling could be supported in this location.

**RESOLVED**

**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.**

**243. 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****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 - 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 - Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the buildings hereby permitted.**

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

**7 - Prior to the occupation of the dwelling 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.**

**244. 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**

It was reported that the applicant's agent had confirmed that foul drainage would be connected to the mains sewer. Amended plans had been received indicating proposals for a shared access to the rear of the site and an application had been received for Listed Building Consent.

**RESOLVED**

**That subject to there being no highways objections, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to the following conditions.**

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

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

**2 - 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 help line on 0845 133 228.

- 4 - In relation to conditions 13 and 14 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.
7. Access via Wood Lane.

245. 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

**RESOLVED THAT**

- 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 restrict the occupation of the bungalow to the ownership of Upper Horton Farm, give up that part of the planning permission MH1243/76 which remains extant and deal with any other appropriate and incidental terms, matters or issues .
- 2) Upon completion of the aforementioned planning obligation, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:
  1. B01 – Samples of external materials
  2. E28 – Agricultural occupancy

246. **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**

The receipt of letters from Bromyard and Winslow Town Council and Town Councillor Julie Woodland was reported, together with the receipt of a 223 signature petition by the Chairman. The Senior Planning Officer reported that the applicants had removed the boundary hedge and had indicated that they proposed to erect a 2.4m boundary fence around the site.

The Sub-Committee had some concerns about the proximity of the Centre and car park to the adjoining dwelling but felt that on balance approval could be granted.

### **RESOLVED**

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

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

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

- 2 - **A09 (Amended plans) (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 cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**12 - B01 Samples of external materials**

**To harmonise with the surroundings**

**13 – Limit as to use**

**For use of premises and land to be controlled in the interest of local amenity**

**14 - 2.4 metre high close-boarded fence to be erected along the full length of the northern boundary and thereafter maintained.**

**Reason: In order to protect the amenity of the neighbour.**

**15 - The building shall not be open to use between the hours of 6.00 pm and 7.00 am daily**

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

**16 - No development shall take place without prior authority and boundary treatment shall be completed before the building is occupied in accordance with a timetable agreed by the local planning authority.**

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

**17 - During construction no machinery shall be operated, no process carried out and no deliveries taken or despatched outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

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

**18 - Details of external lighting to be approved by the local planning authority before the building is occupied.**

**Reason: To safeguard local amenities.**

**Informative:**

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

247. DCNE2004/2447/F & DCNE2004/2449/F - DCNE2004/2447/F - CONVERSION OF BARN TO SINGLE DWELLING AT BATCHCOMBE FRUIT FARM, STORRIDGE, MALVERN, HEREFORDSHIRE, WR13 5ES FOR: A KELSALL & SONS PER GURNEY STORER & ASSOCIATES THE STABLES MARTLEY WORCESTERSHIRE WR6 6QB

**RESOLVED**

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**

**248. DCNE2005/0223/F - 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**

**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 - 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.**

249. DCNE 2005/0362/F - 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

**RESOLVED**

That planning permission be granted subject to the following conditions:

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

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

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

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

**Informatives:**

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

250. DCNE2005/0492/F - 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

The receipt of 3 letters of objection was reported.

In accordance with the criteria for public speaking, Mr Watts of Ledbury Town Council spoke against the application. He said that the Town Council was of the view that the scheme constituted infill development favoured by the ODPM but that it was more suited to a larger urban environment and not at Ledbury. He felt that the proposal would result in an unacceptable degree of overlooking of neighbouring properties and that the access and egress for vehicular traffic was unsatisfactory.

Councillor P.E. Harling one of the Local Ward Members felt that there was merit in holding a site inspection.

**RESOLVED:**

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

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

251. **DCNE2005/0605/F - 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.**

The receipt of 3 letters of objection was reported.

In accordance with the criteria for public speaking, Mr Lee of Yarkhill Parish Council and Mr Hawkins spoke against the application.

Councillor R.M. Manning the local Ward Member had a number of reservations about the application. He was concerned at the size and scale of the proposed development which he felt would not be in keeping with the village. He also felt that there would be an adverse affect on the residential amenity of neighbouring properties, one of which would be particularly close to the extension, and was unhappy about encroachment into the open countryside. Councillor B.F. Ashton had no objections to the commercial proposals within the application but felt that a more modest size would have been preferable.

Having discussed the details of the application and notwithstanding the views of the officers, the Sub Committee felt that there were sufficient grounds for refusal.

#### **RESOLVED THAT**

- (a) **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. there would be an unacceptable adverse impact upon the residential amenity of the dwelling known as Stretton View;**
  - 2. the scale of the proposed accommodation block would represent an over-development of the site at this edge of settlement location;**
  - 3. the proposed design is not considered appropriate having regard to the neighbouring development in this semi-rural location and the character of the wider area; and**
  - 4. the existing car park could not adequately accommodate the number of car parking spaces required.**
- (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 Planning Officer said that given that the Sub-Committee had considered the issues involved, he would not refer the application to the Head of Planning Services)*

252. DCNE2005/0638/F - DCNE2005/0638/F - PROPOSED WAREHOUSE EXTENSION AND A SECTION OF RAISED ROOF AMCOR FLEXIBLES, LOWER ROAD INDUSTRIAL ESTATE, LEDBURY, HEREFORDSHIRE, HR8 2DJFOR: AMCOR FLEXIBLES LEDBURY PER BLENCOWE ASSOCIATES, OLD PARISH BARN, SANDFORD ST. MARTIN, OXFORDSHIRE, OX7 7AG

The receipt of three letters of objection was reported.

#### **RESOLVED**

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)



253. DCNC2005/0709/F - 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

The receipt of 3 letters of objection and a nine-letter petition was reported. Amended plans had recently been received and the Sub Committee decided to defer consideration of the application until after the consultation period had expired.

**RESOLVED THAT**

**Consideration of the application be deferred.**

254. DCNE2005/0718/RM - 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

**RESOLVED**

**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**

**255. DATE OF NEXT MEETING**

18th May, 2005.

The meeting ended at 3.47 a.m.

**CHAIRMAN**

**5 ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCNC2004/2651/F**

- The appeal was received on 11th April 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 Westbury Homes (Holdings) Ltd
- The site is located at Land at St. Botolph's Green/Southern Avenue, Leominster, Herefordshire
- The development proposed is Residential development of 44 dwellings including affordable housing.
- The appeal is to be heard by Inquiry

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

**Application No. DCNW2004/3416/O**

- The appeal was received on 5th April 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 J W Mokler
- The site is located at Land between Oakland and Gipsy Hall, Eardisley, Hereford, Herefordshire, HR3 6PR
- The development proposed is Site for one bungalow
- The appeal is to be heard by Written Representations

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

**Application No. DCNW2004/3347/F**

- The appeal was received on 25th April 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 Dr. M A C Plant
- The site is located at Knock Hundred, -, Bearwood, Leominster, Herefordshire, HR6 9EF
- The development proposed is Proposed replacement dwelling with new access
- The appeal is to be heard by Written Representations

**Case Officer: Simon Withers on 01432 260756**

## APPEALS DETERMINED

### Application No. DCNW2004/3291/F

- The appeal was received on 10th February 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Dr. and Mrs. W. Wintersgill
- The site is located at The Latchetts, Eardisland, Leominster, Herefordshire, HR6 9BE
- The application, dated 17<sup>th</sup> September 2004, was refused on 9<sup>th</sup> November 2004
- The development proposed was Change of use of land from agricultural to residential and erection of double garage

**Decision:** The appeal was **WITHDRAWN** on 1<sup>st</sup> April 2005

**Case Officer:** Phillip Mullineux on 01432 261808

### Application No. DCNC2004/3986/A

- The appeal was received on 8th February 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Primelight Advertising Limited
- The site is located at Somerfield, Dishley Street, Leominster, Herefordshire, HR6 8NY
- The application, dated 16<sup>th</sup> November 2004, was refused on 4<sup>th</sup> January 2005
- The development proposed was Proposed 1 x single sided advertising display unit
- The main issue is the impact of the appeal unit on the site, and it's surroundings, within a Conservation Area

**Decision:** The appeal was **DISMISSED** on 19<sup>th</sup> April 2005

**Case Officer:** Russell Pryce 01432 261957

### Application No. DCNE2004/1093/F

- The appeal was received on 7th December 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 M Howe
- The site is located at Wheatsheaf Inn, -, Fromes Hill, Ledbury, Herefordshire, HR8 1HT
- The application, dated 26<sup>th</sup> March 2004, was refused on 21<sup>st</sup> September 2004
- The development proposed was 4 No three bedroom houses, formation of new access, car parking for dwellings and car parking for public house
- The main issues are the effect of the proposed development on highway safety on the A4103 and the effect on the character and appearance of the surrounding area.

**Decision:** The appeal was **DISMISSED** on 18th April 2005

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

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

**Application No. DCNW2004/2338/F**

- The appeal was received on 16th November 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs R B Sparey
- The site is located at Portway Farm, Portway, Orleton, Ludlow, Herefordshire, SY8 4HG
- The application, dated 25<sup>th</sup> June 2004, was refused on 20<sup>th</sup> August 2004
- The development proposed was Variation of condition 4 of PP NW2001/0540/F to allow 6 monthly residential letting as well as holiday letting; retrospective application to retain conservatory
- The main issues are whether the proposed variation of the condition would conflict with policies relating to development in the countryside. Also, the effect of variation of the condition on the living conditions of the occupiers of the property. The third main issue is the effect of the conservatory on the character and appearance of the building and on the setting of Portway house, which is a listed building.

**Decision:** The appeal was **DISMISSED** on 21<sup>st</sup> April 2005

**Case Officer: Adam Sheppard on 01432 260478**

**Application No. DCNC2004/2689/F**

- The appeal was received on 29th December 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs N Greener
- The site is located at Lower Pool Farm, Leysters, Herefordshire, HR6 0HW
- The application, dated 19<sup>th</sup> July 2004, was refused on 30<sup>th</sup> September 2004
- The development proposed was Proposed Farmhouse
- The main issue is whether or not the proposed dwelling is essential to the efficient running of the agricultural enterprise

**Decision:** The appeal was **DISMISSED** on 20<sup>th</sup> April 2005

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

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

- The appeal was received on 7th December 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 G Filbrandt
- The site is located at Land opposite the Post House, Marston, Pembridge, Leominster, Herefordshire, HR6 9JA
- The application, dated 10th June 2004, was refused on 31st August 2004.
- The development proposed was Demolition of existing redundant farm building and site for the erection of a new dwelling.
- The main issue is whether or not there are exceptional circumstances to justify granting planning permission contrary to the strong planning policy presumption against new dwellings in the countryside.

**Decision:** The appeal was **DISMISSED** on 27th April 2005

**Case Officer: Simon Withers on 01432 260756**

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

## **7 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.



**8 DCNC2004/2148/F - RETROSPECTIVE APPLICATION TO REMOVE CONDITIONS 2 & 3 (PLANNING PERMISSION 97/0953/N) AND CONDITION 5 (PLANNING PERMISSION 900852) TO ALLOW THE SALE OF NON-CONVENIENCE GOODS AND TO ALLOW CLASS A1 RETAIL USE WITHIN THE FORMER CRECHE FACILITY AT SAFEWAY STORES PLC, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH**

**For: Safeway Stores Ltd per DTZ Piedad Consulting  
10 Colmore Row Birmingham B3 2QD**

**Date Received:**  
14th June 2004

**Ward:**  
Leominster South

**Grid Ref:**  
48339, 58608

**Expiry Date:**  
9th August 2004

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

1.1 Safeway/Morrisons is located on the south side of the A44, Barons Cross Road, on the outskirts of Leominster. The site lies on the edge of the settlement boundary for Leominster as shown in the Leominster District Local Plan (Herefordshire).

1.2 This application proposes the removal of conditions:

Condition 5 of planning permission 90 0852:

*'Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (A1 Retail Food Shops) the supermarket hereby permitted shall only be used for the sale of convenience goods.'*

Similarly, condition 2 of planning permission 97/0953/N:

*'The use of the additional retail floor space hereby permitted shall be limited to the sale of convenience goods only and for no other purpose (including any other purpose in Class A1 (Shops) of the Town and Country Planning (Use Classes) Order 1987, in any provisional equivalent to that class in any statutory instruments revoking or re-enacting that Order with or without modification.'*

The existing store previously contained a creche facility in the extended area of the store and a restrictive condition was placed on the creche area that states:

*'The creche facility hereby permitted shall be limited to that use only and for no other purpose within Class D1 (Non Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987, in any provisional equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification.'*

## 2. Policies

### 2.1 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A33 – Major retail developments
- A52 – Primarily residential areas

### 2.2 Hereford and Worcester County Structure Plan

- S3 – Retail development outside town centres

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

- TCR1 – Central shopping and commercial areas
- TCR2 – Vitality and viability
- TCR9 – Large-scale retail development outside shopping and commercial areas
- TCR13 – Local and neighbourhood shopping centres

- 2.3 PPS1 – Delivering Sustainable Development
- PPS6 – Planning for Town Centres

## 3. Planning History

90 0852 - Site for store and petrol filling station. Outline planning permission approved 22.4.91.

91/269 - Erection of sales supermarket. Reserved matters approved 9.7.91.

97/0953/N - Extension to store to provide new creche and increase in sales area. Approved 10.3.98.

NC2002/0738/F - Extension to provide additional Class A1 sales area, ancillary warehousing, staff facilities, extension to existing coffee shop. Withdrawn 17.5.2002.

NC2002/3730/F - Extension to provide additional Class A1 sales area, ancillary warehousing, staff facilities, extension to existing coffee shop. Withdrawn 10.11.2003.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None required.

### Internal Council Advice

- 4.2 Traffic Manager: No objection.

## 5. Representations

- 5.1 Leominster Town Council: Recommend refusal, as it is felt that the extension of sales and sales area will be detrimental to the existing retail businesses in the Leominster Town Centre area.

## 5.2 The applicant has said:

'The existing Safeway Store is the main food store within Leominster and is located within close proximity to Leominster Town Centre. Non-convenience goods are presently being sold from the store, and have been for nearly 10 years. Furthermore, as part of the national programme of store refurbishment there has been recently an alteration of the internal layout of the store, which comprised the removal of the creche area in order to provide additional retail sales area. This planning application therefore seeks to regularise the current retail offer within the store.

Safeway Stores are not alone amongst the major grocers in terms of their desire to revise the standard offer presented in their stores and are responding to market conditions and consumer demand to meet the needs and desires of today's shoppers.

The format of the new-style store has been specifically designed to present a point of difference in this market place and to move away from the catch all offer presented by competing operators.

The company's intention is not to change the retail function of the store, which would continue to provide a main and bulk food shopping role. The non-food goods will be incidental to and/or impulse purchases as part of a main food shopping trip.'

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

**6. Officers Appraisal**

## 6.1 This is a retrospective application for the removal of conditions that restricted to the sale of convenience foods only, and the change of use of the former crèche to an enlarged café area.

## 6.2 The development of the Safeway/Morrisons store has enabled the town to provide modern convenience shopping comparable with other competing centres, and increased competition within Leominster Town. The store also meets the need of the local area offering an important and convenient service for those less mobile, and reducing the need for travel. Limited growth in goods being offered for sale will meet the continuing needs of the local community.

## 6.3 Two previous applications for the extension of the store have been withdrawn. Both applications had been recommended for refusal in that:

*"The proposal involves the extension of an out-of-centre food store primarily for the sale of comparison goods (which at present are not permitted). No justification for the scale of the requested provision has been submitted. The proposal therefore conflicts with the Government policy, which requires the quantitative provision be demonstrated in the case of out-of-centre stores. The proposal also conflicts with the proper application of a sequential approach in considering where any need that can be shown shall be appropriately located. It is therefore accordingly contrary to Policies S3 and CTC9 of the Hereford and Worcester County Structure Plan, Policy A33 of the Leominster District Local Plan (Herefordshire), PPS6 (Planning for Town Centres) and ODPM Statement issued on 11 April 2003."*

6.4 This application, though, is not for an extension to the store but seeks the removal of conditions that restrict the sale of non-convenience goods – domestic electrical items such as kettles, irons, cookware, bathroom products, textiles and home decorations, and family entertainment such as CDs, videos and computer games. These items are offered for sale from one aisle within the store. Notwithstanding the comments of Leominster Town Council, there has been no objection raised from traders in Leominster to the continuing sale of non-convenience goods from the store. Given that the sale of these goods has continued for nearly 10 years without complaint, and that they are restricted to a single aisle in the store, it is not considered that sale of these items affects the viability and vitality of the town centre. However, to ensure this continues the sale of these items should be restricted to no more than 10% of the available aisle space within the store. This equates to the single aisle currently being used for this purpose. The increase in floor area of the café is also considered acceptable.

**RECOMMENDATION**

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

- 1 – No more than 10% of the available aisle space within the existing retail floor space shall be used for the sale and display of non-convenience goods.**

**Reason:** In order to define the permission.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**9 DCNC2005/0103/F - DEMOLITION OF ON-SITE CABINS AND 1970'S EXTENSION. CONVERSION AND EXTENSION TO SHARED HOUSE AT GRANGE HOUSE, THE GRANGE, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP For: Marches Housing Association Per Bernard Taylor Association Elizabeth House 486 Didsbury Road Heaton Mersey Stockport Sk4 3bs**

**Date Received:**  
12th January 2005

**Ward:**  
Leominster South

**Grid Ref:**  
49871, 59014

**Expiry Date:**  
9th March 2005

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 Grange House, a substantial red-brick, Edwardian house, is located in the north-east corner of Etnam Street car park, and on the south-east corner of The Grange. The building is vacant, last occupied as offices. There is a portacabin type structure adjacent.
- 1.2 The site is located in a central shopping and commercial area, as shown on the Town Centre Inset Map in Leominster District Local Plan (Herefordshire), and within the Leominster Conservation Area.
- 1.3 This application proposes the refurbishment and extension of Grange House to provide 12 self-contained apartments, each containing bedrooms, bathroom and kitchen; a reception area, interview room, homeless to home office (Outreach), skills training/meeting room, laundry and communal room.

**2. Policies**

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

- A1 – Managing the district's assets and resources
- A2 – Settlement hierarchy
- A21 – Development within Conservation Areas
- A24 – Scale and character of development
- A32 – Development within town centre shopping and commercial areas
- A54 – Protection of residential amenity
- A61 – Community, social and recreational facilities

**2.2 Hereford and Worcester County Structure Plan**

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

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

HBA6 – New development within Conservation Areas  
TCR1 – Central shopping and commercial areas  
TCR11 – Loss of existing offices  
DR1 – Design  
CF5 – New community facilities

- 2.3 PPS1 – Delivering Sustainable Development
- PPG3 – Housing
- PPS6 – Planning for Town Centres
- PPG15 – Planning and the Historic Environment

### **3. Planning History**

- 3.1 None.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Environment Agency: No objection.

#### Internal Council Advice

- 4.2 Traffic Manager: Recommends condition - H29
- 4.3 Conservation Manager: No objection.
- 4.4 Environmental Health Officer: No objection.
- 4.5 Strategic Housing Services: Fully supports this Planning Application, and has worked in partnership with Marches Housing Association, Shelter and Council colleagues in Housing Strategy (Supporting People) to bring this planning application forward to the current stage of a Full application.

Herefordshire Council has committed £1.04M of its LSVT capital resources to help fund the development of the scheme at Grange House and, on the revenue side, the Council's Supporting People Commissioning Body has allocated £150, 000 per annum of Supporting People funding to help fund the revenue support costs of managing the scheme.

The scheme is intended to help the Council fulfil its statutory duty to the Homeless – The Homeless Order 2003, introduced on 1<sup>st</sup> April 2004 – by providing good quality well managed accommodation to help meet the needs of temporarily homeless households. This scheme in Leominster is aimed at meeting the need in the Northern part of the County, and it will complement the similar facility at Pomona Place in Hereford, recently completed with funding from the Council, and now managed, by Stonham Housing Association, which was opened by Lord Rooker on 19<sup>th</sup> Jan'05.

The scheme will contribute towards meeting the Council's Strategic aims as set out in the following strategies:

- Homelessness Strategy 2003 – 2008: one key action identified is to, “Reduce the use of Bed and Breakfast accommodation as temporary housing through the provision of alternative supported temporary accommodation”
- Housing Investment Strategy 2003 – 2006: one target for investment being, “The development of specialised accommodation with related support for vulnerable people e.g. Extra Care housing – being targeted at Ledbury Road, homeless households – the Pomona Place scheme in Hereford and this proposed scheme in Leominster.
- The Herefordshire Partnership – Housing Ambition – meeting Herefordshire’s accommodation needs
- The Council’s commitment to Central Government of minimal use of Bed and Breakfast in 2004/05 and its LPSA agreement which requires the Council to implement services to prevent repeat homelessness during 04/05, and to help the Council continue this ethos in future years.
- The Council’s statutory Best Value Performance indicators that relate to homelessness – nos. 62, 64, 183 and 203: the aim being to help improve performance as measured by those indicators.

Homelessness is a very serious problem confronting the Council: figures for the last 6 years show that homelessness acceptances have risen by 92.9% in that period and, as at 2003/04, stood at almost 500 households.

The scheme will have a direct positive impact on the Council’s ability to house temporarily Homelessness households in suitable accommodation. The scheme would provide 24-hour support for residents via staffing and concierge services.

The proposed conversion works to Grange House would provide good quality housing to help meet the needs as above and will meet current Housing Corporation Scheme Development Standards, including an EcoHomes ‘GOOD’ rating as a minimum.

## 5. Representations

5.1 Leominster Town Council: 'Recommends refusal as the development is:

- 1) Contrary to Policy A21 of Leominster District Local Plan - Development in Conservation Areas
  - A) Need to avoid unsympathetic alterations and impact of changes of use upon the characteristics of the area
  - B) Impact of changes in relation to existing uses

2) Perceived by residents as a threat to the amenities and heritage of The Grange

3) The wrong use of the building

4) There will be policing difficulties.

Whilst the Town Council is sympathetic to the plight of the homeless, there are alternative buildings which could be considered for this use.'

5.2 13 letters of objection have been received. The main planning points raised are:

- a) Herefordshire Council has failed to demonstrate that it has explored any alternative use of this site which would be more in keeping with the sensitive nature of the setting.

- b) Herefordshire Council has failed to explore alternative sites to provide homeless accommodation at The Masonic Hall, the former Russell Baldwin and Bright Offices, The Hop Pole Inn and Nordon Hall.
  - c) The proposal lacks imagination.
  - d) It contradicts the Council's tourism policy.
  - e) The location of the site is socially irresponsible.
  - f) The conversion of the old library as a unit for local youngsters has let the community down. There is a constant stream of antisocial behaviour.
  - g) It will be harmful to the setting of Grange Court, a Grade II\* Listed Building.
  - h) Disturbance to the peace of the area.
  - i) The area is a known haven for antisocial behaviour - drug addiction, consumption of alcohol, and general rowdyism and this application will make this worse.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 This application has been amended taking into account comments raised by the Chief Conservation Officer. The amended proposal maintains the character of this imposing building, ensuring the extension is subservient in scale so as not to be detrimental to the appearance of this imposing Edwardian building, to the Conservation Area, or to the setting of the nearby Grade II\* Listed building.
- 6.2 The proposal is to provide managed accommodation to help meet the needs of temporarily homeless households in the northern part of the Herefordshire. In terms of use the multiple occupation of this former office to provide residential accommodation is considered acceptable. Comments raised by local residents have raised strong concerns, particularly with regard to anti-social behaviour, alcohol and drug abuse. While fears of local people can be a material consideration in the determination of a planning application, the planning system does not exist to regulate individual behaviour and your officers cannot justify a reason for refusal on that basis alone.
- 6.3 The application proposes 5 parking spaces. While, this is below the recommended parking standards of 1.5 per apartment the site does adjoin a public car park. In terms of sustainability, the re-use of this building to provide residential accommodation is considered acceptable in that it is close to public transport links, health facilities, shopping leisure and other local services.

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

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

**3 - A09 (Amended plans ) (7 March 2005)**

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

**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.**

**5 - G04 (Landscaping scheme (general)),**

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

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

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

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**10 DCNE2005/0913/F - CONVERSION OF FORMER NURSERY UNIT TO RESIDENTIAL USE AT WYE FRUIT LTD, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG**

**For: Wye Fruit Farm Ltd per STMR Architects, Bideford House, Church Lane, Ledbury, Herefordshire, HR8 1DW**

**Date Received:**  
21st March 2005

**Ward:**  
Ledbury

**Grid Ref:**  
70681, 38875

**Expiry Date:**  
16th May 2005

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

**1. Site Description and Proposal**

- 1.1 The application is for the change of use of a prefabricated building previously used as a childrens nursery to dormitory accommodation to house workers at Wye Fruit Ltd, Bromyard Road, Ledbury.
- 1.2 The building is a single storey structure with a floor area of 104m<sup>2</sup>. It is positioned immediately adjacent to the main access to the site and the B4214 Bromyard Road.
- 1.3 The land is allocated for industrial/commercial use and Wye Fruit Ltd is a substantial operation involved in the storage, packaging and distribution of fruit.
- 1.4 The building is somewhat detached from the principal commercial use of the site. It is surrounded by mature trees and is allocated a small private space, a consequence of its former nursery use.
- 1.5 The scheme seeks to provide a five-bedroomed dormitory with a shared kitchen, recreational area and toilet facilities. It requires minor alterations to the front elevation where glazing will be partially replaced with panelling.

**2. Policies**

**Malvern Hills District Local Plan**

Employment Policy 2 – The retention of existing industrial land

**Herefordshire Unitary Development Plan**

E5 – Safeguarding employment land and buildings

### **3. Planning History**

- 3.1 None relevant to this application.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 None required.

#### Internal Council Consultations

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

### **5. Representations**

- 5.1 Ledbury Town Council - Members were strongly against any change to residential use within this industrial estate. This area has been designated within the Herefordshire Unitary Development Plan as industrial and any residential use would set a precedent.

- 5.2 In support of the application, the applicants have submitted the following information: "Historically our workers have been mainly local people but in recent years we have been unable to recruit sufficient numbers. We have turned to using agency labour, which is bussed in from Birmingham and we have also directly employed Eastern European labour. These Eastern European staff have proved to be excellent workers and until now we have been able to provide them with caravan accommodation on private land owned by our members farms. Unfortunately these caravans are no longer available as the farms need it to use them to accommodate picking staff.

We have tried to find alternative accommodation locally for up to 15 staff but with limited success. We have managed to take out a company let on a property in Ledbury for 6 people but still need to accommodate the remaining 9. With our balanced product mix of apples and strawberries, we have regular work for 12 months a year and therefore need to accommodate staff all year round."

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

### **6. Officers Appraisal**

- 6.1 This application is difficult to assess in terms of policy criteria, as there are none which relate specifically to this type of proposal. It therefore falls to consider what is actually being proposed, what harm it causes in terms of prejudicing the allocation of employment land and whether appropriate conditions can be imposed to ensure that any resulting accommodation does not effectively create independent residential use in an area of commercial activity.
- 6.2 The applicant has been quite specific in terms of the need that they are seeking to address to provide accommodation for their workers. Whilst described as a residential use, it is clearly dormitory accommodation and is not intended for separate independent use. Conditions requiring that it is only occupied by workers employed on



site and that it should not be sold or leased separately from the business would address any such concerns.

- 6.3 The need for this accommodation appears to have arisen due to the fact that the business relies on labour from Eastern Europe. It is of a small scale and does not compromise the allocation of the site for employment use, and through the conditions recommended above this would be protected. A further condition could be imposed to make the use personal to the business and that it should cease if they vacate the premises, the reason being that permission is granted due to their particular needs.
- 6.4 Subject to the conditions referred to above, which are considered to address the concerns of the Town Council, the proposal is considered to be acceptable 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 - The accommodation hereby approved shall be occupied only by persons who are employed by Wye Fruit Limited on the site edged red on the approved plans.**

**Reason: In order to determine the terms of the application hereby approved.**

**3 - The accommodation hereby approved shall not be sold or leased separately from the business and premises known as Wye Fruits Limited.**

**Reason: The Local Planning Authority is not prepared to grant an unrestricted residential use in this location.**

**4 - E27 (Personal condition) (Wye Fruit Limited)**

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

**5 - H29 (Secure cycle parking provision )**

**Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**11 DCNE2005/1000/F - CONVERSION OF EXISTING PUBLIC HOUSE TO 4 FLATS AND 1 NO HOUSE, 1 NO NEW HOUSE INCLUDING GARAGES AND CAR PARKING, USING EXISTING VEHICULAR ACCESS AND DEMOLITION OF OUTBUILDINGS AT THE ODDFELLOWS, WALWYN ROAD, COLWALL MALVERN, WORCESTER**

**For: Ledbury Park Devs Ltd per Mr N Shepherd  
Golden Lea Grafton Lane Binton Stratford on Avon  
W37 9TZ**

**Date Received:**  
29th March 2005

**Ward:**  
Hope End

**Grid Ref:**  
75120, 42173

**Expiry Date:**  
24th May 2005

Local Members: Councillor R Mills and Councillor R Stockton

**1. Site Description and Proposal**

- 1.1 The site of the proposed development lies to the west of Walwyn Road on the principal southern approach to the village of Colwall.
- 1.2 The application relates to the conversion of the vacant Oddfellows public house to four flats, along with the conversion of the existing stable building to form one dwelling. Also proposed is the erection of a further dwelling to the rear of the pub and provision of associated parking areas. Some works of demolition are proposed to ensure that the development can be accommodated within the settlement boundary in its entirety. It is proposed that the existing vehicular access be utilised.
- 1.3 The pub building is the focal point of the application site, the two-storey element forming an imposing elevation, which fronts the highway on this busy route. There are single-storey additions to the rear, which it is proposed be removed to make room for the proposed new dwelling. Also present on site is a stable building, divided into two flats at present. It is proposed that the single-storey extension to the rear of this building be truncated in order that amenity space can be provided within the constraints of the settlement boundary. As such, all of the development proposed, including gardens and parking areas fall within the settlement boundary.
- 1.4 A total of eight car parking spaces are proposed to serve the flats. The dwellings would benefit from the provision of dedicated double garages. Foul and surface water drainage is proposed via the mains sewer.

**2. Policies**

2.1 National Planning Guidance

PPG3 - Housing

PPS7 - Sustainable Development in Rural Areas  
PPG13 -Transport

## 2.2 Malvern Hills District Local Plan

Housing Policy 3 - Settlement Boundaries  
Housing Policy 17 - Residential Standards  
Landscape Policy 2 - Areas of Outstanding Natural Beauty  
Landscape Policy 3 - Development Within Areas of Great Landscape Value  
Landscape Policy 10 - Tree Preservation Orders  
Recreation Policy 4 - Public Rights of Way  
Recreation Policy 31 - Retention of Existing Community Facilities  
Transport Policy 8 - Car Parking and Servicing Requirements

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

S1 - Sustainable Development  
S2 - Development Requirements  
S3 - Housing  
DR1 - Design  
DR2 - Land Use and Activity  
H4 - Main Villages: Settlement Boundaries  
CF6 - Retention of existing facilities  
TCR14 – Village Commercial Facilities

## 3. **Planning History**

- 3.1 NE04/3207/F - Conversion of existing public house to 4 units of accommodation, demolition of outbuildings and erection of 3 three-storey terraced town houses, including garages and car parking using existing vehicular access: Withdrawn 8<sup>th</sup> October 2004.
- 3.2 MH94/0268 – Change of use of domestic dwelling (ground floor flat of former stable building) to childrens play area. Approved with conditions.
- 3.3 MH94/0267 – External alterations including the creation of an external courtyard and garden for use with Public House. Approved with conditions.
- 3.4 MH94/0266 - Proposed car park to Public House. Approved with conditions.

## 4. **Consultation Summary**

### Statutory Consultations

- 4.1 Severn Trent Water: No objection subject to a condition being imposed in respect of both surface water and foul drainage.

### Internal Council Advice

- 4.2 The Traffic Manager has no objection subject to the imposition of conditions.
- 4.3 Public Rights of Way Manager has no objection.

4.4 The Conservation Manager has no objection.

## 5. Representations

5.1 Colwall Parish Council objects to the loss of a village amenity, comprising public house and campsite, and is not satisfied that appropriate measures have been taken to market the premises.

No objection is raised to the layout or design of the development proposed.

5.2 A total of 5 letters of objection have been received from the following persons:

Mr W J Leaper & Miss B A Evans – The Log Cabin, Evendine Lane, Colwall  
(letters submitted individually);  
Maggie Powell – Brook House, Walwyn Road, Colwall;  
Stuart Buckland – Flapgate, Colwall;  
Sheila Evans – The Hayloft, Evendine, Colwall

The points raised can be summarised as follows:

- a) A lack of evidence to support that the applicant has sufficiently marketed the premises;
- b) The loss of a village amenity including not only the public house but also a restaurant, accommodation, function hall, campsite and play area.

5.3 One of the letter states that the premises are on a flood plain and consequently prone to flooding. The premises do not lie within the flood plain.

5.4 One letter of support has been received from Dr R. Kenwright, Kildalton, Walwyn Road, Colwall. The letter states that numerous owners and tenants have failed in attempts to run a commercially viable business.

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 as follows:

- a) The principle of residential conversion having regard to the relevant Local Plan policy and other material considerations; &
- b) The scale, layout and design of the proposed development;

### The Principle of Residential Conversion

6.2 The site falls in its entirety within the defined settlement boundary, which is understood to remain unaltered under the Unitary Development Plan. As such the fundamental principle of residential development at this location is accepted subject to the resolution of other factors.

- 6.3 Uppermost of these factors is the presence of the public house on site (which has remained closed for over 3 years), and whether the loss of this community facility is acceptable having regard to the development plan and other material considerations.
- 6.4 The letters of objection and representations from the Parish Council raise the issue of marketing and whether this has been undertaken to the satisfaction of the Local Planning Authority. The carrying out of a marketing procedure is implicit in Recreation Policy 31 of the adopted Local Plan. This states that:
- ‘Proposals which would result in the loss of community facilities such as meeting rooms, community centres, village halls and public houses, will normally be refused except where the district council is satisfied that the facility is no longer necessary to the local community or an appropriately sited replacement facility is to be provided.’
- 6.5 Similar policy provision is contained in the Unitary Development Plan (Revised Deposit Draft) in the guise of policies TCR14 – Village Commercial Facilities and CF6 – Retention of Existing Facilities. TCR14 requires that the application for change of use leading to the loss of facilities will only be permitted where it can be demonstrated that the existing use is no longer viable and unlikely to become so. Furthermore, all means of retaining the facility should be explored taking into account the importance of the facility to the local community.
- 6.6 Although no recent marketing procedure has been undertaken, the application is supported by documentary evidence which demonstrates that despite significant investment in the site during the mid 1990’s the business continued to make a loss, with the effect that the pub ceased trading in September 2001 and has remained closed ever since. Independently audited accounts have been submitted in respect of the years ending May 31<sup>st</sup> 1998, 1999 and 2000.
- 6.7 The applicant attributes the failure of the business to amongst other things:
- a) The alternative provision of licensed premises within the village
  - b) The physical size of the site and implications for cost effectiveness; and
  - c) The re-structuring of the licensed trade in the 21<sup>st</sup> Century
- 6.8 It is recognised that each case involving the loss of a community facility should be considered on its individual merits. As such comparisons with other cases are not always of direct relevance. However, in instances where similar applications have reached appeal, Inspectors have placed considerable weight on the presence of other licensed premises within the same village. In conclusion, despite the absence of a recent, documented marketing exercise, the principle of residential conversion is accepted.

#### The scale, layout and design of the proposed development

- 6.9 The development proposed involves the conversion of the public house to four flats, conversion of the existing stable building to one dwelling and the construction of a new dwelling to the rear of the pub.
- 6.10 The layout is largely dictated by the existing pattern of development on site. The scheme enables the pub building to remain the dominant feature on site as per the historic arrangement. This application also allows for the retention of the stable

building, which was proposed be demolished under the previously withdrawn application. This proposed retention of historic fabric is considered beneficial.

- 6.11 The construction of the new dwelling, to the northwest corner of the site is only achievable with the demolition of the single-storey hall building attached to the rear of the pub. This allows for a satisfactory arrangement in terms of the relationship between buildings. It is not considered that an objection to the loss of the hall could be sustained should the principle of conversion be accepted.
- 6.12 The Traffic Manager is satisfied with the parking provision, whereas the Public Rights of Way Manager is satisfied that the development would not infringe upon the public footpath running parallel to the southwest of the site. In conclusion, the scale, layout and design, all of which have been the subject of negotiation with officers are considered acceptable.

### Summary

The determination of this application requires a judgement as to whether the loss of the public house and associated facilities is acceptable having regard to the provisions of the adopted Local Plan and any other material considerations. Whilst the presumption remains in favour of retaining existing facilities, material considerations will, occasionally determine otherwise. In this instance the presence of alternative provision within the village when taken in conjunction with the lengthy period of closure and trading losses, satisfies officers that the proposed development accords with Recreation Policy 31 of the adopted Local Plan. Although regrettable, the loss of the existing facility is considered acceptable and the development is supported accordingly.

### **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

- 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 - 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.

- 9 - H03 (Visibility splays )

Reason: In the interests of highway safety.

- 10 - H06 (Vehicular access construction )

Reason: In the interests of highway safety.

- 11 - H05 (Access gates )

Reason: In the interests of highway safety.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN22 - Works adjoining highway

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



- 12A DCNE2005/1008/F - ADDITIONAL LINKED TWO STOREY DWELLING, FORMATION OF REAR AMENITY SPACE AND EXTENSIONS**
- &**
- 12B DCNE2005/1009/C – DEMOLITION OF OUTBUILDINGS AND GROUND FLOOR EXTENSION TO 2 THORNES PLACE LAND AT REAR OF THE FORMER PLOUGH HOTEL, 74 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BX**

**For: Mr R S Jones Harcourt Design Associates The Old Bell Harcourt Road Mathon Malvern WR13 5PG**

**Date Received:**  
29th March 2005

**Ward:**  
Ledbury

**Grid Ref:**  
70938, 37953

**Expiry Date:**  
24th May 2005

Local Member: Councillor Ashton, Councillor Harling & Councillor Rule MBE

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

- 1.1 The site is located on the western side of The Homend within Ledbury and incorporates part of the land and parking area to the rear of the former Plough Inn along with additional land to the north which is currently undeveloped and overgrown. The site is largely surrounded by existing residential development including the former public house which is now converted to residential, various outbuildings associated with a public house also converted to residential, existing properties which front onto The Homend and Elgar Housing Association properties immediately west of the site. To the north lies existing lock up garaging and south an electricity substation beyond which is a garden centre. Ground levels fall away from The Homend east to west within this site with an additional drop in levels down to the housing association properties of approximately 1.5 metres. Vehicular access to the site is gained by an existing access off The Homend which served the public house.
- 1.2 A number of the properties which front onto The Homend and back onto the site are listed buildings which include the Plough Inn and numbers 78 to 86 The Homend. As such the buildings to the rear of these properties which lie within their curtilage are also listed. The site lies within the Settlement Boundary and Principle Shopping and Commercial Area as identified in the Malvern Hills District Local Plan. The site also lies within the heart of Ledbury Conservation Area.
- 1.3 Planning permission has been granted for six 2-storey dwellings on the site. The applicant has since acquired additional land and this application seeks to add one further dwelling to the terrace of five and to add a small extension to 2 Thornes Place.

- 1.4 The proposal is detailed in all respects to match the approved scheme. It was the subject of a Section 106 Agreement which requires the developer to implement a Travel Scheme to encourage the use of bus and/or rail services by eventual occupiers during a five year period following the first occupation of the dwellings. This is to be initiated through financial contributions and the provision of six bicycles by the developer.

## 2. Policies

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

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas Outside the Greenbelt

CTC7 – Listed Buildings and Conservation Areas

CTC9 – Development and Requirements

CTC15 – Conservation Areas

CTC18 – Development in Urban Areas

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

Housing Policy 2 – Development in Main Towns

Housing Policy 3 – Settlement Boundaries

Housing Policy 17 – Residential Standards

Shopping Policy 2 – Principle Shopping and Commercial Areas

Shopping Policy 3 – Restrictions on Development within the Principle Shopping and Commercial Areas

Conservation Policy 2 – New Development in Conservation Areas

Conservation Policy 4 – Demolition of Unlisted Buildings in Conservation Areas

Conservation Policy 5 – Boundary Treatments in Conservation Areas

Conservation Policy 11 – The Setting of Listed Building

Conservation Policy 16 – Development within Archeologically Sensitive Areas Evaluation

Conservation Policy 17 – Development within Archeologically Sensitive Areas

Landscape Policy 8 – Landscape Standards

Transport Policy 3 – Provision for Pedestrians and Cyclists

Transport Policy 8 – Car Parking and Servicing Requirements

Transport Policy 9 – Safeguarding of Existing Car Parks

Transport Policy 10 – Car Park Design

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

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

S6 – Transport

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

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

H13 – Sustainable Residential Design

H14 – Reusing Previously Developed Land and Buildings

H15 – Density  
H16 – Car Parking  
T6 – Walking  
T7 – Cycling  
T11 – Parking Provision  
HB06 – New Development within Conservation Areas  
HB07 – Demolition of Unlisted Buildings within Conservation Areas  
Arch 1 – Archaeological Assessments and Field Evaluations

#### **Other Guidance**

PPG3 – Housing  
PPG13 - Transport

### **3. Planning History**

NE02/3499/F - 6 linked two-storey dwellings - Approved 17th August 2004.

NE02/3404/C - Part demolition of brick outhouse - Approved 17th August 2004.

N98/0398/L - Alterations and conversion of former public house to seven residential dwellings at The Plough Hotel - Listed Building Consent Approved 4th November 1998.

N98/0397/N - Alterations and conversion of former public house to seven residential dwellings at The Plough Hotel - Approved 4th November 1998.

### **4. Consultation Summary**

#### Statutory Consultations

4.1 None required.

#### Internal Council Consultations

4.2 Transportation Manager - No objection. Notes the earlier consent and advises that pro-rata increases should be applied where appropriate.

4.3 Conservation Manager - No objection subject to conditions.

### **5. Representations**

5.1 Ledbury Town Council recommends refusal due to the following:

- a) Lack of car parking provision.
- b) Loss of amenity to existing adjacent properties (loss of light) due to the difference in height of buildings.

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

## 6. Officers Appraisal

- 6.1 The principle of residential development on this site has been established. The key considerations are whether the addition of one further dwelling represents an unacceptable intensification of development over and above that which has been approved and whether its introduction results in any residential amenity issues such as overlooking and overbearance. Similar consideration is to be given to the proposed extension.
- 6.2 The approved scheme was not considered to be of a high density in terms of the advice given by PPG3 – Housing. Each dwelling is afforded its own amenity space and this is continued and enhanced under the current proposal. The addition of one further dwelling does not significantly alter the residential density of the site and this remains comparable with the overall density of the surrounding area. The proposal accords with policy and Government advice in this respect.
- 6.3 The additional dwelling is to be added to the terrace of five that has been approved, thus creating a terrace of six. The approved scheme was designed to minimise impact on dwellings to the west. This proposal is at a point furthest from them and will not cause any demonstrable issues of overlooking or overbearance. It is therefore considered that this proposal will not cause any further detriment in terms of residential amenity over that which may arise as a result of the approved scheme and is therefore acceptable in this respect.
- 6.4 The single storey kitchen extension is of a minor nature and similarly will not be of detriment to residential amenity. It is also considered to be acceptable.
- 6.5 In order to ensure consistency, the Section 106 Agreement relating to the approved scheme should be suitably amended to take account of the introduction of an additional dwelling through this application. The applicant's agent has suggested amended wording to the first and second schedules, which appears to address this aspect of the scheme. On this basis it is recommended that the applications are delegated to officers subject to the suitable revision of the existing agreement relating to the site.

## RECOMMENDATION

### NE05/1008/F

**Upon the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the promotion of non car based modes of travel, officers named in the scheme of delegation to officers to be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers.**

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

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

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

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

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

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

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

**Reason: In order to clarify the terms under which consent is granted and ensure that the development remains of an appropriate scale for the site.**

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

**Reason: To safeguard the amenities of the locality.**

**6 - F20 (Scheme of surface water drainage )**

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

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

**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 - G13 (Landscape design proposals )**

**Reason: In the interests of visual amenity.**

**11 - G15 (Landscaping implementation )**

**Reason: To ensure the site is satisfactorily landscaped.**

**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 - H21 (Wheel washing )**

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

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

2 - N14 - Party Wall Act 1996

NE2005/1009/C

That Conservation Area Consent 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.

Informatives:

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**13 DCNW2005/0573/F - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF FARM YARD AND AGRICULTURAL BUILDING TO PLANT HIRE BUSINESS AND SITING OF PORTACABIN AT HOME FARM, BIRCHER, LEOMINSTER, HEREFORDSHIRE, HR6 0AX**

**For: Mr B Mantle per John Amos and Co. Lion House  
Broad Street Leominster Herefordshire HR6 8BT**

**Date Received:**  
**22nd February 2005**

**Ward:**  
**Bircher**

**Grid Ref:**  
**47623, 65475**

**Expiry Date:**  
**19th April 2005**

Local Member: Councillor WLS Bowen

**1. Site Description and Proposal**

- 1.1 The application site comprises an area of land (approximately 37.2m x 82.6m) including one existing building within the Home Farm complex of former agricultural buildings. The northern and western boundaries form a bank of a height between 1 and 2.5 metres with a post and wire fence forming the boundary with the field above this. Home Farm also offers a caravan storage facility and caravan park.
- 1.2 Planning permission is sought retrospectively for the change of use of this land and one building for the purpose of plant hire. The application also includes the retention of a portacabin on the site, which is used as an office in conjunction with the use.
- 1.3 Access to the site would be via the existing access from the B4362 and on through the remaining site to the specific area allocated for this use. This access is hardsurfaced.

**2. Policies**

**2.1 Herefordshire & Worcester Council Structure Plan**

Policy H16A – Development Criteria  
Policy CTC13 – Buildings of Special Architectural or Historic Interest

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

Policy A1 – Managing the District's Assets and Resources  
Policy A2(D) – Settlement Hierarchy  
Policy A9 – Safeguarding the Rural Landscape  
Policy A18 – Listed Buildings and their Settings  
Policy A16 – Foul Drainage  
Policy A36 – New Employment Generating Uses for Rural Buildings  
Policy A70 – Accommodating Traffic from Development

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

Policy S2 – Development Requirement  
Policy S4 – Employment  
Policy S7 – Natural and Historic Heritage  
Policy DR1 – Design  
Policy DR2 – Land Use and Activity  
Policy DR13 – Noise  
Policy E11 – Employment in Smaller Settlements and Open Countryside  
Policy LA2 – Landscape Character

### **3. Planning History**

- 3.1 2004/2618/0 - Site for erection of single storey dwelling - Refused 09/09/04
- 3.2 2003/2402/F - Removal of agricultural occupancy condition - Approved 29/09/03
- 3.3 2002/3616/F - Removal of agricultural occupancy condition - Withdrawn
- 3.4 1995/0955/C - Change of use of land to provide 12 pitch (touring) caravan site - 8 of these 5 pitches (touring) caravans to be used all year and provision of 18 tent pitches - Approved 20/02/96
- 3.5 1995/0146/C - Change of use of land to provide 12 pitch (touring) caravans - Approved 02/05/95
- 3.6 91/527 - Change of use of barn and silage pit to provide caravan storage facilities - Approved with Conditions 03/10/91

### **4. Consultation Summary**

#### **4.1 Statutory Consultations**

None

#### **4.2 Internal Council Advice**

Traffic Manger raises no objection

#### **4.3 The Conservation Manager responded as follows:**

Home Farm is located in the Conservation Area of Bircher. The siting of a portacabin here long term is not appropriate to the character of the Conservation Area and detracts from its overall historic and architectural significance. I could only support a short term (one year) siting of a portacabin in this area.

#### **4.4 The Environmental Health Manager responded as follows:**

I have revisited the site and am of the opinion that the proposal should not cause unacceptable disturbance to neighbours. There are other activities on this site that produce a similar level of noise and whilst this is a retrospective application, no complaints have been received by the department regarding noise.

### **5. Representations**

- 5.1 Croft and Yarpole Parish Council raises the following points:
  - a) Inappropriate use in a Conservation Area.



- b) Concern regarding nuisance to adjoining residential properties as of is understood that operations are mainly at unsociable hours and weekends.
- c) The operation may also be detrimental to existing users, ie caravan park and bed and breakfast establishment.
- d) It is understood that there has been flooding to adjoining properties since operations commenced.

5.2 The application submission was received with a covering letter which can be summarised as follows:

The application site lies within the Village of Bircher and the proposal is to use an existing agricultural building and yard area for a small-scale plant hire and sale business. The development also includes the siting of a Portacabin, which will have the function of an office.

This development will be the second instance of farm diversification for Home Farm, Bircher as there is already an existing caravan storage business adjacent to the proposed development. This reinforces the statements in the current Unitary Development plan, chapter two, part 2.3.3, which refer to the "poor state of the agricultural sector" and the "need for more flexible approach in rural areas to the promotion of smaller scale businesses", also backed up by Chapter 3 of the Plan, referring to "Rural Regeneration", 3.6.2 which encourages "maintaining healthy rural economy..... through encouraging the conversion of rural buildings for employment uses".

The 'development also compliments Plan Policy E11 with the use of existing development and for the new development (Portacabin office), to be sited unobtrusively, as shown on the block plan when there is no other suitable existing buildings'.

This site is provided with existing services, mains electricity, water and drainage which are already in place for the yard and building.

5.3 An additional letter was also received from the agent after a request for information. This can be summarised as follows:

1. Hours of opening - Normal business hours would be 8.00am until 5.30pm Monday to Friday and 8.00am to 2.00pm on a Saturday.
2. Hours of operation - Generally would be as above, but with occasional seasonal differences.
3. Weekend hours - These are stated as above 8.00am until 2.00pm on a Saturday.
4. The yard has been used since 1st June 2002 on an informal basis and Mr Mantle used the site with the permission of the previous owner. The property was purchased from the previous owner by Mr Mantle in January 2005 and in accordance with general planning guidance he is keen now to use the farm buildings which are no longer in agricultural use for alternative employment.
5. Generally the machinery or equipment wil not be used outside of normal business hours, although the normal business hours are as stated in 1. above.

5.4 A total of 7 letters have been received from the following persons:

G J Atkins Child - 1 Old Barn Court, Bircher  
The Rev G H McKinley - 2 Old Barn Court, Bircher  
Mr Don Seaman, 3 Old Barn Court, Bircher (x 2 letters)  
Michael and Irene Murray - 5 Old Barn Court, Bircher  
S J C Mawson and H M Mawson - 6 Old Barn Court, Bircher

Lord Cawley and Hon W F Cawley - Bircher Hall, Bircher

The concerns raised can be summarised as follows:

- a) Intensified use of highway causing highway safety concerns, due to bend in road (B4326) and speed of traffic using this road and intensification of use due to all the different types of uses using this entrance.
- b) Flooding of garages and gardens to Old Barn Court since the use of land for plant hire occurred.
- c) Views of plant machinery and operation from Bircher Hall.
- d) Visual impact of the plant machinery and caravans on the landscape.
- e) Impact on the setting of the adjacent listed buildings.
- f) Noise and disturbance caused to residents from moving vehicles (reversing alarms) pressure washers and plant machinery.
- g) 'After hours' / unsociable hours noise nuisance.
- h) Should be on an industrial estate and not in a conservation area.
- i) Impact and harm on the character of the conservation area.
- j) Impact on the setting of the Listed Buildings.
- k) Concern about appearance for the yellow 'dumper truck' positioned on the roadside next to the caravan site.

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

## **6. Officers Appraisal**

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

- a) The principle of the use of the site for plant hire in this location;
- b) The impact of the proposed use and portacabin on the character and appearance of the conservation area and setting of the nearby Listed Buildings.
- c) The impact of the use on the amenities if the occupiers of the adjoining properties.
- d) Impact on the landscape.
- e) Drainage; and
- f) Highway safety.

- 6.2 The application site lies to the west of the B4326, and is one of the first properties as you as you enter Bircher from the south. There is no defined settlement boundary for Bircher but the site clearly relates to the cluster of houses in the village. Policy A2(d), A36 of the Leominster District Local Plan make provision for the re-use of rural buildings for employment generating uses. The buildings and yard were formally used for agricultural purposes. The building is suitable for the use proposed in its current condition and no additional hardstanding or external works are required in order to serve this proposed use. Policy E11 of the Unitary Development Plan (revised deposit draft) also supports commercial uses, subject to the use not having an adverse impact upon the local environment, the road network or amenity.

- 6.3 The application site, although within the Conservation Area, is not particularly visually prominent from the highway or public view points. The yard area is at a significantly lower level than that of the surrounding fields and landscape that offers a natural screen to the machinery and vehicles using the yard area. The proposed use, varies little in appearance from that of a working agricultural yard and as such it preserves the character and appearance of the conservation area in accordance with the Local Plan

Policy A21 and guidance contained within Planning Policy Guidance 15. The siting of the portacabin, against an existing building is likewise, barely visible and has little impact on the Conservation Area. However, a building of this temporary nature in a Conservation Area would not be supported long term and a condition is recommended to ensure its removal after two years. This should give adequate time for the applicant to find satisfactory permanent accommodation.

- 6.4 There are two Listed Buildings in the vicinity of the application site, Bircher Hall, which lies, behind a line of mature trees, in a slightly elevated position approximately 65m to the north, and the 'Dovecote', which lies approximately 50m to the West beyond the existing buildings. The proposed use and portacabin, as with the impact on the Conservation Area is little different in form than the former agricultural use and buildings. As such, preserves the character and appearance of the setting of these Listed Buildings in accordance with Local Plan Policy A18 and national guidance contained within Planning Policy Guidance 15.
- 6.5 Residents of the nearby properties have raised a number of issues relating to the impact on their residential amenities. In particular, these relate to noise, disturbance and visual impact. In response to these representations the Environment Health Manager re-visited the site and continues to raise no objection. The applicant has confirmed in writing his intended hours of operation, and a condition in line with these is recommended to ensure that the resident's amenities are protected. However, it should be noted that should the site continue to be or revert to being a working farm, movement of machinery and other associated movements and activities would be unrestricted. There is also Environmental Health legislation that could deal with noise nuisance.
- 6.6 In relation to visual impact. The only dwelling which has a clear view of the site is Bircher Hall. Having visited this site, it is evident that the trees, planted by the owners of Bircher Hall some time ago when Home Farm was a working farmyard, provide an effective screen of the site from the house, except for the most westerly part of the application site. As such it is considered appropriate that some additional screening, of an appropriate species and mix is planted along this north western boundary to screen views from the garden and rooms in the west of the dwelling.
- 6.7 The site lies within an area designated as open countryside and as such the protection of the rural landscape is of particular importance. The application site and associated buildings are sited in an area which has previously been cut away is significantly lower than the surrounding field level. The proposal does not involve any further encroachment into the countryside. The mature trees and hedgerow to the north of the site provide a very effective screen and backdrop to the site. The site itself, is not visually prominent or obtrusive, and is typical of a farmyard arrangement. The planting of trees and/or hedging to the western boundary, as suggested above, would help to soften the appearance of the building and uses and enhances the landscape. It is considered that the continued use of the site for the purpose of the hiring of plant machinery would conform to Policy A9 and safeguard the rural landscape.
- 6.8 The letter of representation received makes reference to flooding problems that have occurred to the garages and gardens of the dwellings at Old Barn Court. This water appears during inclement weather and it is the belief of the residents that this is from inadequate draining from the existing buildings and yard. In response to this, details of drainage have been requested. A condition is recommended to ensure that the existing drainage is satisfactory or that this is altered or upgraded where thought necessary.

- 6.9 Access to the site is via the existing access from the B4326. This access serves a number of uses including the dwelling, caravan park, caravan storage area and plant hire business. Residents concerns relating to an increase in use have been carefully considered, and the speed and use of the main road taken into account. The fact that the access exists is also relevant considerate. The Traffic Manager raises no objection to this development and it is considered that a reason for refusal on highway safety ground could not be sustained.
- 6.10 One further point of note is the 1991 planning permission for the storage of caravans was quite explicit in the areas in which caravans are to be stored. It is noted that caravans have been stored outside of these approved areas and this is perhaps causing more of a visual impact. This has been brought to the attention of the applicants' agent, and will be monitored by the Local Planning Authority.
- 6.11 To conclude, the proposal is considered to comply with policies which seek to re-use existing buildings in the open countryside for commercial purposes without detriment to the character and appearance of the conservation area, setting of the Listed Buildings or landscape quality. Matters of impact on residential amenity are considered satisfactory and can be controlled by condition. As such the proposal is recommended for approval with conditions.

## RECOMMENDATION

That planning permission be granted with the following conditions:

- 1 - **E05 (Restriction on hours of use (industrial) ) Monday – Friday – 7.30am – 6pm, Saturday 8am – 6pm, none on Sunday etc unless otherwise agreed in writing by the Local Planning Authority.**

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

- 2 - **E22 (Temporary permission (portacabin)**

**Reason: The local planning authority is only prepared to allow this portacabin as a temporary measure due to its location within a Conservation Area.**

- 3 - **F20 (Scheme of surface water drainage )**

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

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

**Reason: To safeguard local amenities and impact on rural landscape.**

- 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.**

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**14 DCNW2005/0743/F - CONVERSION AND EXTENSION OF EXISTING OUTBUILDINGS TO FORM NEW SINGLE STOREY DWELLING AT 2 LUGG GREEN COTTAGES, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SW**

**For: Mr B Botwood per Southgate Associates, The Studio, Sunny Bank, Kingsland, Hereford, HR6 9SE**

**Date Received:**  
7th March 2005

**Ward:**  
Bircher

**Grid Ref:**  
44829, 62064

**Expiry Date:**  
2nd May 2005

Local Member: Councillor S Bowen

**1. Site Description and Proposal**

- 1.1 The site is located in open rural countryside to the east of Kingsland and forms part of a small outlying enclave of rural cottages centred on the Lugg Bridge.
- 1.2 The application site comprises the rear garden of no. 2 Lugg Green Cottages and is characterised by a fairly large outbuilding of concrete clad construction under a tin roof.
- 1.3 The proposal is to incorporate this structure into a single storey dwelling by means of converting it and adding an extension to create a single storey habitable unit consisting of a kitchen/dining area, living room, two-bedrooms and a bathroom for use by the applicant who is registered disabled and currently resides in the two-storey cottage adjoining the application site. On occupation of the proposed new building by the applicant it is intended that the existing dwelling adjoining the application site will be lived in by the applicants relatives.

**2. Policies**

**Leominster District Local Plan**

- A1 – Managing the District’s Assets and Resources
- A2(D) – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A15 – Development and Watercourses
- A51 – Housing for the Disabled
- A54 – Protection of Residential Amenity
- A60 – Conversion of Rural Buildings outside Settlements to Residential Use
- A70 – Accommodating Traffic from Development
- A57 – Sub-Division of Houses

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

- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- DR1 – Design
- H7 – Housing in the Countryside Outside Settlements
- H13 – Sustainable Residential Design
- H14 – Re-Using Previously Developed Land and Buildings

### **3. Planning History**

- 3.1 NW04/2475/O - Site for one detached bungalow - Refused planning permission 31st August 2004.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Environment Agency - The Agency has no objection to the proposed development as submitted.

#### Internal Council Advice

- 4.2 Highways Manager - No objection to the granting of permission.

### **5. Representations**

- 5.1 Kingsland Parish Council object to the proposed development stating: 'Not approved as it stands because the existing design is totally inappropriate to the Conservation Area and not in accordance with the Parish Plan and objectives on sustainable building. If a suitable plan is re-presented that will enhance the Conservation Area we will have no objections. We would also want a tie on the house that would tie it in with the original property.'
- 5.2 A further letter was received on 24th May 2005 from the applicant's agent in response to concerns raised by the case office this letter states: 'We refer to your letter dated 21 March 2005. On behalf of the applicant, we confirm that Mr Botwood is willing to enter into a unilateral Section 106 Agreement under the Town and Country Planning Act 1990 tying the proposed dwelling into the same ownership as that at 2 Lugg Green Cottages, Lugg Green.'
- 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 site occupies a rural position and as such Policy A2(D) of the Leominster District Local Plan (Herefordshire) applies.



This policy states that development will not be permitted in the countryside or in villages, hamlets or other groups of houses for which no settlement boundary has been defined unless it accords with one of a number of specific criteria's, in this particular instance the criteria applies that states:

'It is an extension to an existing dwelling or a building ancillary to the enjoyment of a dwelling house in accordance with Policy A57.'

- 6.2 The application proposes to convert the existing outbuilding along with the addition of a new extension measuring approximately 50% increase in total size to provide a modest two bedroomed dwelling on one floor for a disabled occupant who currently resides in the adjacent dwelling known as 2 Lugg Green Cottages.
- 6.3 The applicant in a letter dated 23<sup>rd</sup> March 2005 has agreed to the signing of a unilateral Section 106 Agreement under the Town and Country Planning Act 1990 tying the proposed unit into the same ownership as that of the existing dwelling known as 2 Lugg Green Cottages.
- 6.4 The application therefore represents one site and application for disabled accommodation ancillary to the existing dwelling in whose curtilage it is proposed to incorporate the development.
- 6.5 Kingsland Parish Council has objected to the application in its current format stating that the existing design is totally inappropriate to the Conservation Area and not in accordance with the Parish Plan and objectives on sustainable building. They further state in their response that if a suitable plan is re-presented that will enhance the Conservation Area we will have no objections. They also would wish to see any development tied in with the original property.
- 6.6 The location for the proposed development is not within a Conservation Area as designated in the Leominster District Local Plan. The proposal is for a disabled annex-type dwelling and therefore the applicant is restricted in overall design and layout as a large unencumbered residential unit on site would be unacceptable in planning terms. Therefore the applicant is restricted in design terms due to any development at this location having to be annexed to the existing dwelling.

#### Conclusion

- 6.7 The application is for a residential unit for use by a disabled occupant, to which the applicant has agreed to tying the proposal into the same ownership as that of the existing dwelling. The location is not within a conservation area and therefore the design of the proposal is considered acceptable. The applicant has agreed to the signing of a unilateral Section 106 Agreement under the Town and Country Planning Act 1990. However to ensure greater control and suitability of the agreement it needs to be an agreement entered into by the Council and the applicant, not a unilateral undertaking.
- 6.8 The application is therefore considered acceptable and in line with Policy A2(D) and other relevant policies in the Leominster District Local Plan.

#### **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 any additional matters and terms as she considers appropriate.

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

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

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

2 - A06 (Development in accordance with approved plans )

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

3 - B01 (Samples of external materials )

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

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

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

5 - 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.

6 - E16 (Removal of permitted development rights )

Reason: In the interests of the visual amenity on the surrounding landscape and in order to control development at this special location.

7 - The existing building on site will be incorporated into the approved development and would not be demolished.

Reason: The application is approved on the understanding that the existing building is capable of conversion.

Informatives:

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

2 - NC02 - Warning against demolition

3 - Without the need for major reconstruction as to completely build from new would be contrary to policy in the Leominster District Local Plan.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



**15 DCNW2005/0752/F - CHANGE OF USE FROM  
PADDOCK TO RESIDENTIAL CURTILAGE AT THE  
BOTHY, LOWER HERGEST, KINGTON, HR5 3EN**

**For: Mr D Broadley at the same address.**

**Date Received:  
9th March 2005**

**Ward:  
Kington Town**

**Grid Ref:  
27536, 55436**

**Expiry Date:  
4th May 2005**

Local Member: Councillor T James

**1. Site Description and Proposal**

- 1.1 The application site lies to the rear of the detached rural dwelling known as the Bothy. The piece of land that is the subject of this application sits to the rear (northwest) of the dwelling (at a higher level than the associated dwelling) and is accessed via steps. The site has been used formally as garden area for a number of years and is currently grass lawn. This area drops away steeply at the southern end towards a post/wire fence that forms the boundary with the neighbouring agricultural grazing land.
- 1.2 Rose Cottage, a detached cottage, lies immediately to the south east of the garden and to the south west of The Bothy. The application site is some 2m in height above the ground level of the dwellings.
- 1.3 The previous application (DCNW2004/3725/F) was refused, however a section decking does remain in situ at this time. The applicants have informed the local planning authority that they will appeal against the decision to refuse their last application and this is being monitored. Members will recall visiting this site prior to making this decision.

**2. Policies**

2.1 Planning Policy Guidance

PPS1 – Delivery Sustainable Development

2.2 Hereford and Worcester County Structure Plan

CTC2 – Development in Area of Great Landscape Value

2.3 Leominster District Local Plan

A41 – Protection of Agricultural Land

A53 – Protection from Encroachment into the Countryside

A54 – Design and Layout of Housing Development

2.4 Herefordshire Unitary Development Plan – Deposit Draft

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

### 3. Planning History

DCNW2004/3725/F – Change of use from paddock to residential garden and retention of decking – Refused – 5<sup>th</sup> January 2005

### 4. Consultation Summary

#### 4.1 Statutory Consultations

No statutory consultees

#### 4.2 Internal Council Advice

Traffic Manager has no objection

### 5. Representations

#### 5.1 Kington Parish Council comment:

The Bothy and Rose Cottage at Lower Hergest, Kington appear to have originally been built into a hillside with all land for both the properties and gardens being dug out and removed to form the gardens to the front of both properties. Both properties have very small rear access points to the back of their properties. The members of the Council believe that in order to enlarge the garden of the Bothy, it will be necessary to create an access-way as the paddock is greatly elevated and this would involve either steep steps and or a similar steep ramp-way. The members of the Council felt that if planning permission were given, then there would be no controls over the future use of this land; should it be the desire of the current or future owners of the Bothy to excavate and dig out this area of the paddock thus levelling the piece of land to the height of their current property then further destabilisation of the whole area would occur, then nothing could be done to prevent it. This piece of land runs not only behind the Bothy but also behind Rose Cottage, and it was felt that any change could create difficulties for adjacent property owners, not only in their loss of privacy, but the possible unsettling of the ground above their property and also their boundaries and further destabilisation of the ground could not be ruled out. The owners of the Bothy have already removed an ancient hedge in their zeal to change the use prior to any planning permission being sought; importantly this hedge, which was on the western side of the land in question, stabilised the ground which slopes down into the adjacent field and with this now removed land slippage and future erosion is a strong possibility.

The members of the Council have grave reservations about this proposal and therefore object to the change of use, and would request that the hedge be reinstated to stabilise the area as a matter of urgency and the land be restored to that of a paddock without further delay.

#### 5.2 Two letters of objection have been received. The first from Tina and Gordon Davison of Rose Cottage raise the following points:

1. Permitted development on the land following the proposed change of use to residential garden would have further detrimental impact on our land and property.
  2. The development is intrusive giving rise to problems of overlooking and a loss of privacy to our house and garden and to increased noise, all of which is detrimental to our property. Please note that the development land is elevated some 2 metres above ours and is only 5 metres away from our house.
  3. Related to the previous point, we have a current planning approval for a rear extension that, when implemented, brings a rear facing window of our dwelling to within 2.5 metres of the subject land (planning reference is NW2003/1313/F).
  4. No measure have been included in this application to mitigate the overlooking of our property.
  5. We do not understand what the justification is for increasing the garden space of The Bothy when there is already ample garden space within the applicant's curtilage.
  6. The proposal, as submitted, would constitute a fundamental change to the character and identity of the land within the rural landscape into which it encroaches, this being landscape the Council has determined in its UDP to be 'least resilient to change'.
  7. The site abuts existing agricultural uses on three sides and breaks through the natural settlement boundary of Lower Hergest.
  8. The site is in an area defined in the Leominster and District Local Plan as an 'Area of Great Landscape Value' and the proposed development conflicts with Policy A2 thereof. It also conflicts with the Local Plan's environmental objectives regarding the protection of natural habitats from the effects of development and changes in land use and ensuring that developments fit sensitively into the landscape.
- 5.3 A second letter from Kate and Andrew Garman of Orchard House who raise the following issues:
1. The development land adjoins agricultural land on 3 sides. It is some 2 metres higher than the house and existing garden of the Bothy. This change in level has served to provide a natural settlement boundary and buffer between residential and agricultural use. There is no proposal to provide a new suitable screen/buffer between the incompatible uses of the land.
  2. As the development land encroaches into the agricultural landscape the affect of any domestic paraphernalia e.g. greenhouses, garden ornaments, lights, climbing frames, washing lines decking etc would have a detrimental effect on the otherwise open and undeveloped character and appearance of the landscape. The large area of decking already built on the plot is intrusive and can be seen from some distance across the landscape. There are no proposals to mitigate the effects of current or future development on the landscape.
  3. If change of use is granted permitted development rights may further prejudice our amenity. Our paddock is half an acre in size. It currently is, and always has been, used for animal grazing. Given its small size it is a concern that very intensive residential use (e.g. parties, outside lights, music, fireworks), by current or future owners may prejudice the continued use of the agricultural land for animal grazing.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.
- 6. Officers Appraisal**
- 6.1 The main issues in the consideration of this application are the principles and acceptability of the change of use on the landscape quality of the area and on the

amenities and living conditions currently enjoyed by the residents of the adjoining properties.

- 6.2 The change of use of use of the land from agricultural to garden was undertaken a number of years ago. In principle the encroachment of residential use into agricultural land is contrary to the policies that set out to protect the countryside. However, consideration has been given to the minimal nature of the intrusion and minimal impact on the landscape and surroundings. As such it is considered that the proposed change of use conforms to the policies, which seek to protect the rural landscape. The parish council raises objection to the removal of a hedgerow. The applicant maintains they have not removed a hedgerow and there is little evidence of this on site. As such it is not considered appropriate to pursue the reinstatement of this hedgerow other than through and appropriate landscaping scheme as outlined below. .
- 6.3 The letters of objection received raise concern in relation to the potential for overlooking and loss of privacy. It is accepted that the garden area does have a direct overlooking relationship with its neighbour. However this is not a principal garden area, and this issue could be addressed through the planting and use of landscaping. As such it is not considered to have such a detrimental impact that would call for a reason for refusal. As this application is retrospective and is already having an impact on the neighbouring property, in terms of overlooking and privacy a condition landscaping scheme submitted within 2 months is recommended. A further condition ensuring that the landscaping is provided and completed within the first planting season and retained for the life of the development.
- 6.4 Members are minded to grant permission to continue the use of the land as part of the residential curtilage, then the site would benefit from permitted development rights, under which further structures could be erected. A condition removing the rights to erect any structures on the application site is therefore recommended. In addition to this a condition ensuring the unauthorised decking structure to be removed from the garden is recommended.
- 6.5 To conclude, the proposal represents minimal encroachment into the countryside and its impact on the landscape quality of the area is considered to be acceptable. Issues relating to overlooking and privacy have been carefully considered and a condition to provide landscaping and screening would overcome these concerns. As such approval subject to conditions is recommended.

## **RECOMMENDATION**

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

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

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

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

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



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

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

**4 - Within 2 months of the date of this permission the unauthorised decking area shall be removed from the application site and land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

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

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**16 DCNW2005/1097/F - ERECTION OF ONE DWELLING WITH INTEGRAL GARAGE AT THE BIRCHES, ALMELEY, HEREFORDSHIRE, HR3 6LQ**

**For: Mr & Mrs F Harris per Ms R Reed, Reed Architects LLP, Herongate, Carmel Court, Presteigne, Powys, LD8 2LD**

**Date Received:**

**6th April 2005**

**Expiry Date:**

**1st June 2005**

Local Member: Councillor J Hope

**Ward:**

**Castle**

**Grid Ref:**

**33492, 51819**

**1. Site Description and Proposal**

- 1.1 The application site forms part of the residential curtilage of the property known as 'The Birches'. This is a large modern two storey detached dwelling of external red brick and render construction under a tiled roof and is of no significant historic or architectural merit.
- 1.2 The site is surrounded on all sides except, for the northern side (which adjoins agricultural land) by other detached residential dwellings. These dwellings are a mixture in architectural design and merit and are of single storey style, except for the dwelling known as 'Rose Villa', which is of two-storey and located alongside the southern boundary of the application site. This dwelling is of an older style than all the others and the most significant historically as well as architecturally.
- 1.3 The application proposes the erection of one detached dwelling measuring 210.12 metres total floor space area a two storey dormer type dwelling, containing an integral garage, dining room, kitchen, utility and sitting room on the ground floor and three bedrooms on the first floor. Originally two dwellings had been proposed. Following concerns this was belatedly reduced to one.
- 1.4 The external construction materials of the proposed dwelling will mirror surrounding dwellings and their external construction in that it will be in red brick under artificial slate.

**2. Policies**

**Leominster District Local Plan**

- A1 – Managing the Districts Assets and Resources
- A2(c) – Settlement Hierarchy
- A23 – Creating Identity and an Attractive Built Environment
- A24 – Scale and Character at Development
- A53 – Protection from Encroachment in the Countryside
- A54 – Protection of Residential Amenity

A55 – Design and Layout of Housing Development

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

S1 – Sustainable Development  
S2 – Development Requirements  
S3 – Housing  
H4 – Main Villages Settlement Boundaries  
H5 – Main Villages Housing Land Allocations  
H15 – Density

### **Planning Policy Guidance**

PPG1 – General Policy and Principles  
PPG3 - Housing

## **3. Planning History**

NW05/0745/F - Erection of two dwellings, with integral garages - Withdrawn March 2005.

NW03/0666/F - Change of use of ground floor lounge to bed and breakfast accommodation - Approved 25th April 2003.

94/0535 - Construction of new double garage - Approved 20th October 1994.

93/0654/0 - Site for one dwelling on garden land at The Birches - Refused planning permission 25th January 1994.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 Welsh Water - No objections subject to the attachment of three conditions to any approval notice issued.

### Internal Council Advice

- 4.2 Highways Manager has no objections subject to the inclusion of a condition with regards to vehicle parking.

## **5. Representations**

- 5.1 Almeley Parish Council object to the application stating: 'The Parish [Council's views of this planning application is that the revised plan has changed little from the previous one. The plot is too small to accommodate two such large dwellings which are too high in relation to adjoining bungalows. The neighbouring bungalows do not have dormer windows.

Another concern is the proposal to provide 4 parking spaces, would affect the amenities of the adjoining properties. Infilling is not generally supported.'

5.2 Five letters of objections/comments have been received from members of the public to this application from the following:

- Mr John Titley, Allodials, Almeley, states he has no objections in principle but raise concerns.
- M & V Battenti, The Hazels, Almeley - objects
- Mr & Mrs L E Jones, Yew Trees, Almeley - objects
- Four members of the Morgan family, Orchard Bungalow, Almeley - objects
- Shelia Finlayson, Rose Villa, Spearmarsh, Almeley - objects

5.3 The objections/comments raised in these letters can be summarised as follows:

- Proposed development is out of style and scale with surrounding development.
- Proposed density, overshadowing and overlooking is considered unacceptable.
- Inappropriate form of development for a rural scene.
- Privacy of adjoining dwellings will be destroyed.
- Concerns that proposal is out of scale with aims of the Almeley Parish Plan.
- Access from the site to the adjoining public highway is inadequate.
- Trees on the proposed development site were cut down prior to submission of planning applications.
- Concerns are raised about land drainage issues.
- A previous application was refused planning permission for a bungalow on site in the early 1990's.
- Connection to services to serve the site would have to cross over land that is outside the applicants control.

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

## **6. Officers Appraisal**

6.1 This application has only recently been amended for the erection of one 'dormer' type dwelling alongside the existing dwelling known as 'The Birches' whilst representations relate to the original proposal for two dwellings. The proposal is for a dwelling with an integrated garage and three bedrooms on the first floor.

- 6.2 The application originally was for two 'dormer' type dwellings, however due to concerns and objections raised by neighbouring properties and officer's concerns about a dormer window to the rear of plot one overlooking a neighbour's garden, the applicant decided to amend the application and withdraw the proposed property for plot one and allow plot 2 to proceed for planning consideration in its original form as submitted as part of this planning application.
- 6.3 The application has received a number of objections from members of the public as well as the Parish Council the key points of which will be addressed below:
- 6.4 The surrounding development is residential dwellings of no specific style or size. The adjacent dwelling is the applicant's current home and is a development of the 1960's – 70's era, and of no specific character. The other dwelling within close proximity to the application site is the dwelling known as 'Yew Trees', this is a development of the 1950's and single storey in design and again of no special architectural character. Therefore the proposal is considered to be in accordance with the relevant policy of the Leominster District Local Plan on this issue.
- 6.5 The proposed dwelling is located between the gable ends of The Birches and Yew Trees and is located gable to gable with 6 metres space from either end of the proposed dwelling to the existing dwellings. The dwelling known as Yew Trees has no windows looking directly into the proposed development and likewise no windows as proposed to look directly into Yew Trees or The Birches. All other dwellings within the vicinity are adequately positioned away from the proposed development site in planning terms. The proposal is considered to be in accordance with the criteria of Policy A54 on Protection of Residential Amenity in the Leominster District Local Plan.
- 6.6 The site is not located within a Conservation Area and the Almeley Parish Plan that is referred to in the objection letters acknowledges on page 12 that there are no vacant plots within the boundary, but some larger plots that might be divided. It is of my opinion that the dwelling known as The Birches occupies a sufficiently large enough plot that allows it to be sub-divided for an additional dwelling without having significant detrimental effect on adjoining dwellings privacy and amenity in accordance with national and local policy guidelines, therefore the policy as mentioned above also applies in this instance to which the proposal complies with.
- 6.7 With regards to concerns about public highway access, the Highways Manager has responded to the application with no objections to the proposed development subject to the inclusion of a condition on vehicle parking within the application site. With regards to the concerns raised about the land drainage issues, Welsh Water has raised no objections to the proposed development and requests that three conditions be attached to any approval notice issued against the proposal in this instance meets with the relevant criteria.
- 6.8 The issue raised about the trees on site, is not one of a planning concern, as vegetation on site is not within a Conservation Area, subject to a Tree Preservation Order or any special landscape designation.
- 6.9 The issue about connection to public services as raised in one of the letters of objection is not a direct planning issue.
- 6.10 With regards to the comments about the previous application refused planning permission, as stated earlier an application for the erection of one dwelling was refused planning permission on 25<sup>th</sup> January 1994 due to concerns about the layout of the site

and proposed development and public highway access issues. As earlier mentioned the Highways Manager has raised no objections to the proposed development and Central Government Guidance as well as current Local Planning Policy Guidance presently encourages 'infilling' on sustainability grounds providing there is no intrusion into residential privacy and amenity issues. In this instance I consider there are none.

6.11 The proposed development is in accordance with both relevant planning policy guidance and the relevant policies of the Leominster District Local Plan.

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

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

**5 - C10 (Details of rooflights )**

**Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of [special] architectural or historical interest.**

**6 - E09 (No conversion of garage to habitable accommodation )**

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

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

**Reason: In the interests of the amenity and privacy of surrounding dwellings.**

**8 - E18 (No new windows in specified elevation )(in the west and east elevations)**

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

**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 - 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.

12 - Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

13 - No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage systems.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

14 - No land drainage run-off will be permitted, either directly or indirectly to discharge into the public sewerage system.

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

Informatives:

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**17 DCNW2004/3076/F - CHANGE OF USE TO SITE FOR CARAVANS FOR FRUIT PICKERS (RETROSPECTIVE APPLICATION) AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NE**

**For: E & J Price at same address.**

**Date Received:**  
8th December 2004

**Ward:**  
Castle

**Grid Ref:**  
37364, 44953

**Expiry Date:**  
2nd February 2005

Local Member: Councillor J Hope

**1. Site Description and Proposal**

- 1.1 The location for the proposed development (retrospective) is to the rear of the existing farmyard at Oakchurch. Access to the site is through the existing farmyard complex from the unclassified 90401 public highway that runs past the eastern boundary of the farmyard. Also a public right of way passes closely (Staunton SY10) passes within close proximity to the application site on its western side.
- 1.2 The caravans are already in situ and consist of twenty five mostly 6-8 person units. The appraisal submitted in support of an application states these units have been on site for 8 years. The site has commanding views over the surrounding countryside and particularly out towards the south west. The farm complex itself gives reasonable screening on the eastern and south eastern elevations. While the land rises slightly to the north.
- 1.3 The application states that the units are required for the occupation of seasonal workers and in particular fruit pickers. However it must be emphasised that the application is for units that are required for occupation for longer than just the average fruit picking season - in fact for up to 10 months of the year.
- 1.4 The site does not form part of any particular landscape designation. Although there is a site of an ancient monument 160m from the application site.
- 1.5 Adjacent to the application site on the entry from the adjoining farmyard is a building structure that was approved on 1<sup>st</sup> May 2002 for an ancillary building in relationship to the agriculture business that is in use as a student/worker recreational building for use by occupants of the caravan site. Also alongside the eastern elevation of the application site and adjoining one of the applicants houses (the farmhouse), is a tennis court that is also used by occupants of the caravan units.
- 1.6 The caravan units themselves are laid out in a distinctive form around the access roads that circulate the site. There is nothing in the form of tree/shrub landscaping on the site itself, the units being surrounded by mown grassland. The units do have space for the parking of motor vehicles, although this is in no particular order, being in rather a haphazard fashion. The units also have no particularly safe means of foot access into them, some units only having the benefit of a timber pallet placed on its

one side and acting as a step. Also some units are poorly propped up with loosely laid concrete blocks.

## **2. Policies**

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

A1 – Managing the District’s Assets and Resources  
A2(D) – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A12 – New Development and Landscape Schemes  
A13 – Pollution Control  
A16 – Foul Drainage  
A22 – Ancient Monuments and Archaeological Sites  
A23 – Creating Identity and an Attractive Built Environment  
A24 – Scale and Character of Development  
A28 – Development Control Criteria for Employment Site  
A35 – Small Scale New Development for Rural Businesses within or around Settlements  
A41 – Protection of Agricultural Land  
A43 – Agricultural Dwellings  
A54 – Protection of Residential Amenity  
A58 – Mobile Homes  
A78 – Protection of Public Rights of Way

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

A1 – Development Criteria  
S1 – Sustainable Development  
S2 – Development Requirements  
S3 – Housing  
S4 – Employment  
H7 – Housing in the Countryside outside Settlements  
H8 – Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses.  
H11 – Residential Caravans  
E6 – Expansion of Existing Businesses  
E11 – Employment in the Smaller Settlements and Open Countryside  
E15 – Protection of Greenfield Land  
HBA9 – Protection of Open Areas and Green Spaces  
ARCH3 – Scheduled Ancient Monuments  
CF2 – Foul Drainage  
DR13 – Noise  
LA6 – Landscaping Schemes

### **2.3 Planning Policy Guidance Notes**

PPG1 – General Policy and Principles  
PPS7 – Sustainable Development in Rural Areas  
PPG – Nature Conservation  
PPG16 – Archaeology and Planning  
PPG24 – Planning and Noise

### 3. Planning History

- 3.1 None identified on site but most recent relevant history in relationship to the business is listed below.
- 3.2 NW2004/3407/F - Extension to food hall and storage construction of polytunnel type construction over plant area - Approved 8th November 2004.
- 3.3 NW2002/0832/F – Ancillary building to provide storage and shelter for fruit picking facility – Approved 1<sup>st</sup> May 2002.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency - The Agency requests a 'Holding Objection' to the proposed development until further information is supplied on how foul drainage will be safely disposed of from the proposed development.
- 4.2 English Heritage - If the development is acceptable on planning grounds, it should be screened by appropriate indigenous planting on all sides. Provided that the issues we have identified are addressed, we recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of any further necessary conservation advice locally. It is not therefore necessary for us to be consulted again on this application.
- 4.3 The Ramblers Association - This development doesn't appear to have any impact upon the adjacent Public Rights of Way, Staunton SY10, however we would seek reassurance that the septic tank has been positioned and is of sufficient capacity so that it will not in-undate the footpath at anytime. Also the footpath level is somewhat below the caravan area level, what steps, if any, have been taken to ensure that storm water will not flood the footpath? At the end of the picking season shouldn't these caravans be cleared off the site and stored unobstrusively until the next season? We ask you to ensure that the developer is aware that there is a legal requirement to maintain and keep clear a Public Right of Way at all times.

#### Internal Council Advice

- 4.4 Highways Manager – suggests a travel plan condition.
- 4.5 Environmental Health Area Manager has no comments to make with regards to the proposed development.
- 4.6 Public Rights of Way Manager states the proposed development would not appear to affect the public footpath/bridleway. However the following points should be noted. The right of way should remain at its historic width and suffer no encroachment or obstruction at any time. The applicants should note that the Right of Way has footpath status and will only be maintained by the Highway Authority as such.

### 5. Representations

5.1 Staunton-on-Wye Parish Council state in their response: At a special meeting held on Friday 7th January 2005 to discuss the above planning application, the Parish Council resolved to make the following comments to the Herefordshire Council Planning Department.

1. There is much concern about inadequate sewerage disposal facilities. These may need a significant upgrade and re-route. Also there should be proper rubbish disposal, e.g. bins and skips.
2. The site is very exposed and serious landscaping and screening is needed.
3. The use of the caravans should be restricted to fruit pickers working on the farm.
4. The site needs strict management and control to minimise nuisance to local residents.

Subject to these matters being adequately addressed, the Parish Council supports the application.

5.2 Six separate householders have made objections/comments about the development. All raise concerns with regards to the development. Letters have been received from:

Mr & Mrs Pugh, New House Farm, Staunton-on-Wye  
Mrs D Thomas, Bella-Vista, Staunton-on-Wye  
Roberta Sanderson, Oakdale, Staunton-on-Wye  
Mr D R & Mrs M G Penwarne, Sheldmar, Staunton-on-Wye  
Patricia Sarkey, The Grove, Staunton-on-Wye  
Major (retired) P S Berry, Oakchurch House, Staunton-on-Wye

The objections can be summarised as follows:

- The caravans presently on site are obtrusive and unsightly on the surrounding landscape.
- Concerns about numbers of caravans and also about Herefordshire's Voluntary Code of Practice with regards to polytunnel erection and how far will the applicants be allowed to go?
- Concerns raised about site being in permanent use and therefore not for temporary workers.
- Issues with regards to public nuisance by occupants of site on surrounding public highways.
- Concerns as to why English Heritage have not been informed in the past with regards to previous planning applications by Oakchurch Farm.
- Proper control and management of site and its personnel at all times.
- Concerns about adequacy of existing public transport within area of application site.
- Concerns about foul drainage from application site and fact that the applicants have not planted any trees or hedges to screen the existing site.

5.3 The applicant has submitted details regarding the need for the development, which is discussed in the appraisal section.

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 As Members may well be aware this application is 'retrospective' for the retention of twenty five caravans for occupation by agricultural fruit pickers and Members will also be aware of the need to determine the application on its planning merits with regards to planning policy and material considerations and not to be influenced by the unauthorised development already in place.
- 6.2 Of major concern with regards to this application is the requirement of the applicants that the caravans remain on site throughout the year and in use for longer than the fruit picking season and thus some units may well be in occupation throughout the year. Planning control of the site could potentially be difficult.
- 6.3 The applicants as part of their submission have submitted a detailed appraisal and statistics of the need for the siting of the 25 mobile homes in relationship to the business conducted from the farming unit.  
The information provided states that the average fruit picker employed by the applicants picks 80kg of fruit per 8-hour day and reflecting overtime the average rises to 100kg per day. One picker in their employment cycle picks for 60 days and the crop therefore requires about 125 pickers. As well as fruit picking employees have to attend to such chores as planting, replanting failed plantings, weeding, venting, de-venting, crown splitting, polytunnel dismantling and other occasional tasks.
- 6.4 The employment period at Oakchurch of 'foreign labour lasts from 1<sup>st</sup> February until sometime during November (depending on the season) this employment time exceeds that of an average fruit picking season and therefore mobile home usage is required for longer than the fruit picking season.
- 6.5 Officers are satisfied that on the basis of the information provided that there is a need for the amount of bed spaces as stated in the report in order that the business can function effectively under the Seasonal Agricultural Workers Scheme the business is associated with. Provision also has to be made by the applicants for units to be available for single persons as well as couples and therefore there is a slight overlap in availability of units which internally are of basically satisfactory condition for temporary workers housing.
- 6.6 A site licence is also required for a caravan park where occupation of units is for longer than a 'season'. Agricultural seasonal caravan/mobile home units are normally exempt from this requirement provided they are removed from site after completion of the season they are in occupation.
- 6.7 Most of the units on site are capable of housing up to eight occupants and are therefore rather large and obtrusive. It is considered not practical to expect the applicant to remove them from site and if Members are mindful to approve the application it would be more practical that the units be allowed to remain on site and the site closed off and carefully worded conditions be attached to any approval notice issued, in order that the Local Planning Authority can closely monitor and enforce, if considered necessary.
- 6.8 Another practical reason for requesting that the applicants apply for a site licence is the fact that in order to obtain a site licence the site has to meet with Health and Safety regulations with regards to site layout, rubbish disposal, fire safety, and general safety issues etc, this issue is of particular concern considering the amount of persons the site is to house and time period in occupation. As earlier mentioned in this report some

of the units are spread out in a rather haphazard fashion with foot access to the individual units being in some cases over no more than a timber pallet used as a stepping stone into the unit, also some units are only resting on loosely laid concrete blocks. From a point of view of site safety therefore a site licence does have advantages. A site licence would also help address some of the Parish Council's concerns with regards to overall site management.

- 6.9 Leaving the units on site throughout the year also brings with it another planning issue of concern and one that has been raised in the letters of objections received from members of the public as well as the Parish Council, with regards to this application, about the detriment impact on the surrounding landscape that the caravans units have, being obtrusive and detrimental to the character of the rural scene. The site is located behind the existing farmyard complex and reasonably well screened within its immediate vicinity from the easterly direction and particularly from the adjoining public highway. However the site is open within the larger landscape scene context with far reaching views particularly in a westerly direction. During the winter months these units are even more noticeable on the surrounding landscape.
- 6.10 With no suitable venue in which to move them during the dormant period and the units left on site, it is therefore essential to ensure that adequate landscaping in the form of tree and hedge planting around the sites perimeter are put in place, in order to lessen the impact on the landscape. As well as some on-site informal tree plantings. English Heritage have commented on the application recommending if this development is acceptable on planning grounds, it should be screened by appropriate indigenous planting on all sides.
- 6.11 Another issue of concern is the means of foul drainage from the application site, an issue of concern also raised by objectors to the application as well as the Parish Council. The Environment Agency has responded to the application with a 'Holding Objection' to the proposed development until further information is supplied on how foul drainage will be safely disposed of from the proposed development. The Local Planning Authority received this response on 22<sup>nd</sup> December 2004, a copy of which was also sent to the applicants, and despite repeated requests from the Case Officer, no satisfactory response has been received and therefore the Environment Agency's response still stands.
- 6.12 The Highway Manager requests consideration be given to a travel plan. Since the occupants live at their place of work, this would be with regard to access to leisure facilities. wish to give include negotiations with regards to a section 106 agreement under the Town and Country Planning Act 1990 towards a contribution to local public transport.
- 6.13 Letters of objections received from members of the public to the application complain about public nuisance on the public highway during late hours – many of the sites residents frequently patronizing the local public house which is within walking distance of the site. This issue of concern is not a direct planning issue and one that falls under the remit of the local Police.
- 6.14 Alongside the western boundary of the application site there is a public right of way (Staunton SY10). The Councils Public Right of Way Officer has responded to the application with no objection stating that the proposed development will have no detrimental effect on this right of way. A note can be added to any approval notice issued reminding the applicant that it is an offence to block or impinge onto a public right of way that must remain open at all times.

**RECOMMENDATION**

That the application be delegated to the Head of Planning Services for approval subject to the applicants supplying satisfactory information on the method of foul drainage from the application site. Prior agreement is also required by means of a detailed site plan indicating each caravan unit and occupancy capacity with a clear indication of duration of its individual season. Finally the applicants must also supply prior written agreement with regards to applying for a site licence from the Councils Environmental Health Department.

- 1 - E23 (Temporary permission and reinstatement of land (mobile home/caravan) ) 5 years

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

- 2 - E32 (Static holiday caravan occupancy ) (1<sup>st</sup> December – 31<sup>st</sup> January)

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

- 3 - E36 (Caravan colours )

Reason: To minimise visual intrusion.

- 4 - F24 (Standard of septic tank/soakaway system )

Reason: To prevent pollution of the water environment.

- 5 - F39 (Scheme of refuse storage )

Reason: In the interests of amenity.

- 6 - The occupation of the caravans shall be limited to persons in full-time employment at Oakchurch Farm under the Home Office Seasonal Agricultural workers scheme or equivalent, unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: Planning permission has only been granted given the farming requirements of Oakchurch Farm.

- 7 - F32 (Details of floodlighting/external lighting )

Reason: To safeguard local amenities.

- 8 - Full details will be submitted to the Local Planning Authority prior to the first recognised planting season after the issuing by the Council of this approval notice and agreed in writing by the Local Planning Authority on details of all boundary tree and hedge planting and internal tree/shrub planting within the caravan park complex.

Reasons: In order to protect the surrounding landscape and improve the visual impact of the development on the surrounding landscape.

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

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

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

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

**11 - G08 (Retention of trees/hedgerows (outline applications) )**

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

**12 - G10 (Retention of trees )**

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

**13 - Each caravan unit will have its own designated car parking space and sufficient room will be allowed in order that vehicles may enter and leave the site in a forward gear. The car parking space will be constructed in accordance with full details as approved in writing by the Local Planning Authority within 12 months of the issuing of this approval notice.**

**Reasons:** In the interest of highway safety and to minimise the likelihood of indiscriminate parking.

**14 - Within 12 months of the issuing of this approval notice provision for cycle parking will be provided on site in accordance with full details as previously approved in writing by the Local Planning Authority.**

**Reasons:** In order 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.

**15 - The site shall be securely locked by means of a gate and padlock during the period 1st December and 31st January (inclusive) of the following year. With no means of available public access onto the site during this period.**

**Reasons:** In order to ensure that the site is not in occupation for a full year, as the location is considered unsuitable as a permanent residential site.

**16 – Within 3 months of the date of this permission the applicant shall have agreed in writing with the Local Planning Authority, a travel plan to ensure that occupiers have sustainable options to gain access to leisure/shopping facilities.**

**Reasons:** To ensure a sustainable option is available to reduce reliance upon car borne transport.

**Informatives:****1 - The applicants are reminded that a footpath (Staunton SY10) passes within close proximity to the application site and are reminded that it is an offence to obstruct**



or encroach onto this footpath which must remain at its historic width at all times.

- 2 - The applicants are reminded with regards to their written agreement with regards to a Site License from Herefordshire County Councils Environmental Health Section.
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

