

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 16th June, 2004**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

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<p>1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE CHAIRMAN</p> <p>To note that at the Annual Council Meeting on 21st May, 2004 Councillor J W Hope was elected Chairman of the Sub-Committee and Councillor J Stone was appointed Vice-Chairman of the Sub-Committee.</p>	
<p>2. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>4. MINUTES</p> <p>To approve and sign the Minutes of the meetings held on 12th and 19th May 2004.</p>	1 - 38
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<p>6. APPLICATIONS RECEIVED</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, 8 & 9 are applications deferred for site inspections at the last meeting and items 10 – 27 are new applications.</p>	
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the special meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 12th May, 2004 at 10:30 a.m.

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

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

In attendance: Councillors H. Bramer, P.J. Edwards, Mrs A.E. Gray, Mrs J.E. Pemberton, Mrs S.J. Robertson and R.M. Wilson.

78. APOLOGIES FOR ABSENCE

None received.

79. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
W.L.S. Bowen	Agenda Item No. 3 – REPORT OF THE HEAD OF PLANNING SERVICES	Declared a personal interest and remained in the meeting for the duration of this item.
J.H.R. Goodwin	Agenda Item No. 3 – REPORT OF THE HEAD OF PLANNING SERVICES	Declared a personal interest and remained in the meeting for the duration of this item.
R.M. Manning	Agenda Item No. 3 – REPORT OF THE HEAD OF PLANNING SERVICES	Declared a personal interest and remained in the meeting for the duration of this item.
J.P. Thomas	Agenda Item No. 3 – REPORT OF THE HEAD OF PLANNING SERVICES	Declared a personal interest and remained in the meeting for the duration of this item.

80. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of **Planning Application Ref. DCNC2004/0321/F – Brierley Court Farm, Brierley, Leominster.**

RESOLVED: That the planning application be determined as set out in the appendix to these minutes.

The meeting ended at 12.11 p.m.

CHAIRMAN

APPENDIX

Ref. 1
BRIERLEY
DCNC2004/0321/F

Construction of amenity building, toilet buildings and siteworks for 300 unit caravan standing for farmworkers' accommodation at:

BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU

For: S & A Property Ltd per McConaghy BGP Architects, 2 Shrubbery Avenue, Worcester, WR1 1QH

The Legal Practice Manager stated that, although being considered at a special meeting, this planning application was subject to the same rules as every planning application. He referred to some of the reporting in the media which had misinterpreted Herefordshire Council's press statement by indicating incorrectly that officers had already determined the application. He emphasised that the application would be determined democratically, based on the Sub-Committee's debate, with public speakers and representations all being considered. In addition, he reported on the following:

- Counsel's opinion, dated 9th May 2004, which had been circulated to members and officers, had been obtained and issued by Mr S. Head and not by the Council. He added that the Council's Legal Services had advised planning officers throughout.
- With reference to a proposal from the Arrow Valley Residents' Association for an Environmental Impact Assessment (EIA), he stated that planning officers had had no involvement with this. He confirmed that the Council had undertaken screening in accordance with Schedule 2 of the Regulations, and had concluded that an EIA was not deemed necessary. The screening procedure had been dealt with professionally, and within the proper time limits.
- The issue of polytunnels was not part of the planning application. Because the Arrow Valley Resident's Association had circulated some legal advice, however, he felt it was necessary to clarify the Council's legal position. With particular reference to the case of Brinksman, he stated that the Planning Inspector's decision had been based on the specific facts of the case, which were that trestle tables and "gro' bags" had been used within those polytunnels, enabling them to be used all year round and from year to year, for so long as the farmer chose to renew the growing medium. The polytunnels at Brierley Court Farm were covering crops planted directly into the ground soil, and as such, would need to be removed when the soil became depleted of nutrients after one or two growing seasons. He added that the Council was currently reviewing its policy on polytunnels.
- On the issue of costs he advised that, had a stop Notice been served at an early stage, there might have been cost consequences because of

the length of time taken for members to determine the application. He felt that it was not expedient at present, however. If the application was refused and the applicant appealed against the decision, there would be minimal costs involved for the Council. The issue of costs, therefore, was not significant.

The Northern Divisional Planning Officer reported the receipt of the following information since the publication of the agenda:

- 4th May, 2004 – Information from Mr D. Hallmark in respect of crop picking, the estimated crop tonnage, and the proposed number of employees. Initially, 800 pickers would be employed under the Home Office Seasonal Agricultural Workers' Scheme (SAWS), and these numbers would increase after 6 months. Mr Hallmark had also confirmed that a company bus would provide workers with transport into Hereford three times a day, and that he was willing to meet with officers to discuss requirements for any appropriate Green Transport Plans or Section 106 Obligations.
- 7th May, 2004 – A response to Mr Hallmark's above submission, from Mr Greene. He had asked for consideration of the application to be deferred, to enable further time to study the figures.
- 10th May, 2004 – A request from Mr Greene – sent to all members - for further information about traffic flows. In addition, Mr Greene had expressed an opinion that an EIA was required.
- Correspondence from FPD Savilles, consultants for the Arrow Valley Residents' Association, referring to Counsel's opinion, planning policies considered to be relevant to the application, and Planning Policy Guidance Note (PPG) 5. Refusal was requested on the grounds that it was felt that the application was contrary to policy.
- Birley with Upper Hill Parish Council had objected to the application.
- 12th May, 2004 – Further information from Mr Head, referring to case law on polytunnels.
- 12th May, 2004 – The Head of Community and Economic Development had reported that 9.2% of jobs in Herefordshire were linked to tourism, and 6.4% were linked to agriculture. These figures did not include supplies to allied industries. In the view of the Head of Community and Economic Development, the agriculture and tourism industries were of equal value to Herefordshire.

Referring to the report, the Northern Divisional Planning Officer made the following points:

- The appendix to the report was to be deleted. It had been included in an earlier report to the Sub-Committee, and the application had been deferred on that occasion. Subsequently, the information contained in the appendix had been incorporated into the main body of the report.
- The proposed mobile homes were not considered as Permitted Development under the terms of this application. This was because the application had proposed their permanent stationing with no removal at the end of the season.
- The conditions included in the recommendation had addressed the Environment Agency's request to install mains drainage.
- He drew member's attention to the observations of English Heritage (Paragraph 4.3), the Chief Conservation Officer (Paragraph 4.4), and the Head of Engineering and Transportation (Paragraph 4.5), the representations of the Parish Councils, the Campaign to Protect Rural England, the Green Party, and the Civic Trust.
- He confirmed that, contrary to the statements of certain bodies, the application site was not located in an Area of Great Landscape Value (AGLV); nor had it been designated "land least resistant to change".
- He reported that, to date, 57 letters of support had been received, including one from the Chamber of Commerce.
- The report had provided definitions of "Permitted Development Rights" and "Agriculture" as requested by members.
- He stated that the most significant policy relating to the application was Policy A2, which had formed the basis of the recommendation by planning officers. He concluded that sufficient need existed for 300 caravans, and this need had not been outweighed by any other planning considerations. He referred to Paragraph 6.3 of the report, emphasising that the application was not considered to be contrary to policy.
- He reported that, because a Section 106 Obligation was now considered necessary if the application was approved, the recommendation, and any subsequent Notice of Planning Permission, required amendments to reflect this.

In accordance with the criteria for public speaking, Mr S. Head and Mr M. Don spoke in objection to the application, and Mr D. Hallmark spoke in support.

Councillor J.P. Thomas, a local member, noted the complex issues surrounding

the application. Whilst acknowledging the applicant's requirement to proceed with development in order to attain approval for the SAWS scheme, he felt that this development had been premature and presumptuous from a planning perspective. He expressed concerns about the visual impact of the application from various public places, with particular reference to the view from Ivington Camp. He expressed dissatisfaction with the proposal to discharge treated sewage effluent into the Little Arrow, and felt that this aspect warranted an EIA contrary to advice given by officers. He opined that the application did not accord with several planning policies besides A2, and in this sense they bore significant relevance to the application, namely: A9, A24, A54, A78, and Draft UDP Policy S1. Policy A3 was also crucial in his opinion because it stated that development outside market towns should only be permitted where it would not have an adverse effect on the landscape. He said that the application site, although not in an AGLV, was immediately adjacent to one, and he felt that it would clearly affect the setting of the AGLV. He noted that the Agricultural Workers' Act, 1960 afforded the applicant an alternative strategy if the application was refused, whereby some development could proceed without planning permission. He requested that, if approved, a condition be included to protect visual amenity by creating a bund with grown-on shrubs to the east and the west of the site.

In response to Councillor Thomas's comments, the Northern Divisional Planning Officer reported that an Application of Discharge had been forwarded to the Environment Agency in respect of a sewerage scheme. There was a treatment plant in place which was deemed acceptable, and foul sewerage treatment would still be a requirement under Permitted Development Rights if the application were refused.

Councillor R.B.A. Burke, the other local member, expressed concern about the impact of the amenity of the residents closest to the application site.

Councillor Brig P. Jones whilst acknowledging that an EIA was not mandatory, felt that it was necessary in order to determine the application. Other members concurred with this view, and in response to his proposal, the Legal Practice Manager outlined the screening procedure followed when deciding on the necessity of an EIA. He advised that the Sub-Committee was entitled to request an EIA, although this could be challenged by the developer if already deemed to be unnecessary.

Councillor Mrs J.P. French expressed disappointment at the way the development had evolved, being retrospective, although she supported the application on the basis that it proposed a managed site with good working conditions for employees, and it would address problems with inadequate numbers of workforce in the locality. If approved, she requested that the caravans be painted green, and that the landscaping scheme should include a high number of grown-on species. She also called for regular meetings between local members and the developer to ensure that local residents were given adequate support and information.

Councillor B.F. Ashton opposed the application in the grounds that he felt there would be a significant impact on the environment, the sewerage system, and the

local emergency and health services.

Councillor T.M. James felt that the application would set an unwelcome precedent in Herefordshire, and that the possible social impact of the application was an additional reason for refusal.

Councillor W.L.S. Bowen felt that approval of the application would have an adverse effect on Herefordshire for some considerable time, because it might encourage the principle of retrospective development, and because it was on such a comparatively large scale.

Councillor R.J. Phillips questioned the permanency of the proposed buildings and the infrastructure, given the changing nature of agriculture. He felt that the policy guidance available to local planning authorities on such issues was insufficiently detailed and robust, and for this reason, if the application were approved, he would write to the Secretary of State and request that the application be called in.

In response to earlier comments, the Head of Planning Services and the Northern Divisional Planning Officer said that, although it was clear that the application would have an impact on the environment, it was difficult to assess what additional information an EIA would provide that was not already known and available to the Sub-Committee. They concluded that the only two possible grounds for requesting an assessment were the discharge of foul drainage into the Little Arrow, and the visual impact on the landscape. The Sub-Committee felt that the impact of these issues was already known, and the earlier amendment to conduct an EIA was withdrawn.

Having considered all of the issues surrounding the application, members were minded to refuse it on the grounds that it proposed inadequate sewerage arrangements, it constituted development in open countryside, and it would be detrimental to the visual amenity of the area.

The Council's referral procedure, applicable in instances when members were minded to make a decision against officers' advice, was noted.

RESOLVED:

- That (i) 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. It is considered that the proposal is contrary to Policy A2(D) of the Adopted Leominster District Local Plan (Herefordshire), and to Policy H20 of the Hereford and Worcester County Structure Plan, in that it represents residential development in open countryside. It does not appear to the Local Planning Authority that there is need for the development such that these policies can be overridden.
 2. It is considered that the proposal is contrary to Policy A9 of the Adopted Leominster District Local Plan (Herefordshire) in that it would be detrimental to the visual amenity of the area and to the character and amenity of the nearby Area of Great Landscape Value.
 3. In the absence of evidence to the contrary, it is considered that the proposal fails to comply with Policies A14 and A16 of the Adopted Leominster District Local Plan (Herefordshire) which seeks to safeguard water resources and ensure adequate arrangements for foul sewage disposal. There is particular concern for the nearby Little Arrow.
- (ii) 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.

(Note: The Northern Divisional Planning Officer said that he would refer the application to the Head of Planning Services, given that there were crucial policy issues at stake.)

MINUTES of the meeting of the Northern Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford on 19th May, 2004 at 2:00 p.m.

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

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

In attendance: Councillor P.J. Edwards

81. APOLOGIES FOR ABSENCE

Apologies were received from Councillor R.J. Phillips.

82. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
R.B.A. Burke	Agenda Item No. 5, Ref. 1 – Site for the building of a replacement primary school on land belonging to: Bliss Farm, Staunton-on-Wye	Declared a prejudicial interest and left the meeting for the duration of this item.
J.W. Hope	Agenda Item No. 5, Ref. 1 – Site for the building of a replacement primary school on land belonging to: Bliss Farm, Staunton-on-Wye	Declared a personal interest and remained in the meeting for the duration of this item.
D.W. Rule MBE	Agenda Item No. 5, Ref. 1 – Site for the building of a replacement primary school on land belonging to: Bliss Farm, Staunton-on-Wye	Declared a prejudicial interest and left the meeting for the duration of this item.
J.P. Thomas	Agenda Item No. 5, Ref. 1 – Site for the building of a replacement primary school on land belonging to: Bliss Farm, Staunton-on-Wye	Declared a prejudicial interest and left the meeting for the duration of this item.

Councillor	Item	Interest
W.L.S. Bowen	Agenda Item No. 5, Ref 14 – Pilot plant for accelerated composting of organic material for 5 years at: Wharton Court, Wharton, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.
J.H.R. Goodwin	Agenda Item No. 5, Ref 14 – Pilot plant for accelerated composting of organic material for 5 years at: Wharton Court, Wharton, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.
R.M. Manning	Agenda Item No. 5, Ref 14 – Pilot plant for accelerated composting of organic material for 5 years at: Wharton Court, Wharton, Leominster	Declared a prejudicial interest and left the meeting for the duration of this item.

83. MINUTES

RESOLVED: That the Minutes of the meeting held on 21st April, 2004 be approved as a correct record and signed by the Chairman.

84. ITEM FOR INFORMATION – APPEALS

The Sub-Committee noted the Head of Planning Services' report in respect of appeals for the northern area of Herefordshire.

In respect of Planning Application Ref. DCNE2003/2023/O, it was noted that the Appeal Inspector had awarded full costs in favour of the Council.

85. REPORT OF THE HEAD OF PLANNING SERVICES

The report of the Head of Planning Services was presented in respect of planning applications received for the northern area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these minutes.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**86. ITEM FOR INFORMATION - ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters in the northern area of Herefordshire.

RESOLVED: That the report be noted.

(This item disclosed:

- Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority(whether, in each case, proceedings have been commenced or are in contemplation).
- Information which, if disclosed to the public, would reveal that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)

The meeting ended at 5.11 p.m.

CHAIRMAN

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APPENDIX

Note: To further the efficient transaction of business, the Chairman agreed that Agenda Item 5, Ref. 14 (DCNC2003/1895/N – Wharton Court) would be considered first. The remainder of the business was conducted in the order as published in the agenda.

Ref. 1
STAUNTON-ON-WYE
DCNW2004/0080/O

Site for the building of a replacement primary school on land belonging to:

BLISS HALL FARM, STAUNTON-ON-WYE. (OS: 3625/4505)

For: Governors of Staunton-on-Wye Primary School per Property Services Manager, Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

The Northern Divisional Planning Officer reported that one member of the public who would be entitled to speak had not been notified. In view of this, members agreed to defer the application to enable sufficient notice to be given.

RESOLVED: That consideration of the application be deferred to enable sufficient notice to be given to Public Speakers.

Ref. 2
KIMBOLTON
DCNC2004/0107/F

Proposed extensions to existing storage facility to form bulk storage and general purpose grading area at:

LARKSFIELD, KIMBOLTON, HEREFORDSHIRE

For: HVR Smith & Co. per Mr P Dunham Dunham Associates 19 Townsend Soham Cambridgeshire CB7 5DD

The Principal Planning Officer reported that a representative from the Environment Agency had inspected the site and had indicated that it was operating satisfactorily. She also reported that the applicants had proposed to face both buildings with Yorkshire Boarding so that they blended in with the surroundings.

In accordance with the criteria for public speaking, Mr Smith, the applicant, spoke in support of the application.

Members noted local residents' concerns in respect of traffic issues and the scale of the development. They felt, however, that the proposal should be supported on balance because the applicant had addressed a significant amount of additional concerns, including those expressed by the Parish Council.

RESOLVED: That planning permission be granted subject to the following conditions, and to any further conditions considered necessary by officers:

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

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

2 - A09 (Amended plans)

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

3 - B10 (Details of cladding (agricultural and industrial buildings)

Reason: To minimise the visual impact of the development.

4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall include alternative measures for limitation of flows and details of pollution control together with an agreed programme of maintenance and inspection. The drainage scheme shall be implemented before the first use of the development hereby approved and details of any remedial works shall be agreed in writing with the local planning authority and implemented in accordance with an agreed timetable.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to prevent pollution of the water environment.

5 - F28 (No discharge of foul/contaminated drainage)

Reason: To prevent pollution of the water environment.

6 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

7 - F48 (Details of slab levels)

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

8 - G04 (Landscaping scheme (general))

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

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

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

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

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

12 - H21 (Wheel washing)

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

13 - F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

14 - Collection of roof water and connection via downpipes into the existing surface water drainage system shall take place upon completion of the roof structure and external cladding and prior to the buildings first being brought into use.

Reason: In the interest of proper drainage of the site and to prevent the risk of flooding.

15 - Prior to the building first being brought into use a scheme for the regular inspection and maintenance programme for the drainage system shall be submitted to and approved in writing by the local planning authority.

Reason: In the interest of proper drainage of the site and to prevent the risk of flooding.

Informative:

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

Ref. 3
BROMYARD
DCNC2004/0628/O

Site for one new dwelling adjoining at:

17 LOWER WESTFIELDS, BROMYARD, HEREFORDSHIRE, HR7 4EN

For: Mr R Clinton per Gurney Storer & Associates The Stables Martley Worcestershire WR6 6QB

Receipt of one further letter from Mrs Foot was reported. In addition, the Transportation Manager had commented that the application would not be detrimental to highway safety in his view.

Some members felt that the application should be refused because it constituted overdevelopment of the area. The Northern Divisional Planning Officer stated that the application was for one dwelling only, and that this would be made clear in the description of the application.

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

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

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

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

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

- 3 - A04 (Approval of reserved matters)(delete means of access)

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

- 4 - A05 (Plans and particulars of reserved matters)(delete means of access)

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

- 5 - B01 (Samples of external materials)

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

Informatives:

- 1 - HN02 - Public rights of way affected
- 2 - HN05 - Works within the highway
- 3 - No development should commence until such time as an order to divert the Public Footpath has been confirmed.
- 4 - N15 - Reason(s) for the Grant of PP/LBC/CAC

□

Change of use to residential 3 no. Apartments, 3 no. Houses, garages and parking spaces and associated drainage at:

STRETTON GRANGE RETIREMENT HOME, STRETTON GRANDISON, LEDBURY, HEREFORDSHIRE, HR8 2TS

For: KMH Property Developments Ltd. Development Design Partnership
Sandford House 6 & 7 Lower High Street Stourbridge West Midlands DY8 1TE

The Northern Divisional Planning Officer reported on some minor changes to the report, and the receipt of the following:

Ref. 4
**STRETTON
GRANDISON**
DCNE2003/3706/F

- An email/facsimile from Mr Prestman of Stretton Court Farmhouse, containing no new material planning considerations, and seeking assurance that the application would not cause erosion to his embankment, which bordered the application site. Mr Prestman also commented on sunlight/daylight, electricity and water supplies, traffic, drainage, and tree protection.
- The observations of the applicant's arboriculturalist.

In accordance with the criteria for public speaking, Mr Nicholson of Stretton Grandison Parish Council, and Mr Brock, spoke in support of the proposal.

The Local Member, Councillor R. Manning, outlined the planning history of the site, and read excerpts of a letter from Herefordshire Council's Chief Executive to Bill Wiggin, MP. Councillor Manning felt that the application should be approved for the following reasons:

- It afforded protection for most of the trees on site. He added that the trees, many being mature and a significant enhancement to the area, were of great importance to the local surroundings and to residents.
- The proposal would enhance the surrounding Conservation Area more than the extant planning permission.
- It might provide affordable and sought-after family homes.
- The proposal provided an improved sewerage system.
- It had the full support of local residents.

The Northern Divisional Planning Officer confirmed the following in response to questions:

- He would research the site's planning history, and clarify information about the application being delegated to officers to refuse, in accordance with the Councils Scheme of Delegation
- The Council's Tree Officer had studied the application, and had made recommendations based on all of the information available.
- If the application was approved, the extant planning permission would not be implemented.
- There was no element of affordability in the proposal.
- The barn behind Stretton Grange was the only listed property on the site.

Other members expressed concern that the application would set an unwelcome precedent for residential development in open countryside.

Having considered all of the issues surrounding the application, members felt that their reasons for approval outweighed the planning considerations. The Principal Lawyer (Planning, Environment and Transport) reminded members of the Council's referral procedure, applicable in instances when members were minded to make a decision against officer advice.

RESOLVED: That

- (i) **The Northern Area Planning Sub-Committee is minded to**

approve the application, subject to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee; and

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

(Note: The Northern Divisional Planning Officer said that, given that there were crucial policies at stake he would refer the application to the Head of Planning Services.)

Ref. 5
WELLINGTON
HEATH
DCNE2003/3874/F

Demolition of existing dwelling and erection of three new dwellings at:

OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NA

For: Miton Ltd per Ian Guest & Associates, 3 Juniper Way, Malvern Wells, Worcestershire, WR14 4XG

The Northern Divisional Planning Officer reported that Wellington Heath Parish Council had submitted its additional representations after publication of the agenda. The Parish Council had stressed the importance of ensuring that the application would not cause detriment to the oak tree on the site, and had felt that the application should be refused unless the yew tree on the site would be preserved. It had suggested moving plots 1 and 2 closer to the road, and if approved, adding Conditions 6, 7, 8, 9, and 11 from the previous outline planning permission.

The applicant's agent had submitted additional information in response to the Parish Council's comments.

The Northern Divisional Planning Officer said that standard condition G01 would be included in the planning permission, along with Conditions 6 and 8 from the previous outline planning application. The applicant's Permitted Development Rights would also be removed, and additional wording would be added to Conditions 10 and 12 on the current planning application. He added that he would discuss the issue of the trees with the applicant.

RESOLVED: That officers named in the Scheme of Delegation to Officer be authorised to grant planning permission, subject to the following conditions, and to any further conditions considered necessary by officers, including G01, Conditions 6 and 8 from the outline planning application, and the removal of Permitted Development Rights:

- 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 - H01 (Single access - not footway)(5 metres)

Reason: In the interests of highway safety.

5 - H03 (Visibility splays)(2 x 33 metres)

Reason: In the interests of highway safety.

6 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

7 - H12 (Parking and turning - single house)(3 cars per house)

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

8 - H26 (Access location)(The Common)

Reason: In the interests of highway safety.

9 - No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the landscape character of the site.

10 - No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. The details of those measures are to be submitted in writing to and approved by the Local Planning Authority prior to commencement of any work. Measures to protect those trees shown must include:

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.

(d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

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

11 - G19 - Existing trees which are to be retained

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

12 - Any damage caused to any tree which it has been agreed shall be retained shall immediately be notified to the local planning authority and any such remedial work as is advised by the Authority shall be undertaken immediately. As soon as possible thereafter such further work as is necessary to secure the preservation of the tree shall be undertaken in accordance with BS 3998:1989 Tree Work. The details of any such works are to be submitted in writing to and approved by the Local Planning Authority prior to commencement of any work.

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

13 - Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of

similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

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

- 14 - The existing dwelling known as Oak Tree Cottage shall be demolished prior to work commencing on the construction of the new dwellings hereby permitted.

Reason: To clarify the terms of this permission.

Informatives:

- 1 - HN1
- 2 - HN4
- 3 - HN5
- 4 - HN10
- 5 - HN13
- 6 - HN22
- 7 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Ref. 6
LEDBURY
 DCNE2004/0241/F

Removal of condition 7 of planning consent mh92/1564 at:

SOMERFIELD STORES LTD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EZ

For: Somerfield Stores Ltd per Edmund Kirby India Buildings Water Street Liverpool L2 0TZ

Members noted some minor amendments to the report.

In accordance with the criteria for public speaking, Mr Baker spoke in objection to the report.

In response to a question, the Principal Planning Officer reported that the Environmental Health Officer had investigated previous complaints relating to noise emanating from the site, and had found that it fell within acceptable levels for the time of day. He confirmed that the Environmental Health Officer was awaiting further information from the applicant.

The Sub-Committee felt that further information was required in respect of the history of noise complaints on the site, prior to determination.

RESOLVED: That consideration of the application be deferred for further information.

Ref. 7
BISHOPS FROME
 DCNE2004/0863/F

Removal of agricultural occupancy restriction. (condition 3 of planning permission mh93/1468) at:

THE FARM, PAUNTON, BISHOPS FROME, WORCESTER, WR6 5BJ

For: Mr R Fowler per Mr C J Didlick, Bwthyn, Snead Common, Abberley, Worcester, WR6 6AF

The Principal Planning Officer reported that the County Land Agent had reviewed the price at which the property had been offered for sale, and had concluded that it had been within acceptable levels.

RESOLVED: That planning permission be granted.

Ref. 8
CANON FROME
DCNE2004/0951/O

Site for detached dwelling at:

FORGE COURTYARD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG

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

Members felt that the site should be inspected.

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

- **A judgment is required on visual impact;**
- **The setting and surroundings are fundamental to the determination or to the conditions being considered.**

Ref. 9 & 10
BROMYARD
DCNC2004/0101/F
AND
DCNC2004/0102/C

Construction of 3 no. 1 bed cottages and 2 no. 2 bed flats at site at:

JUNCTION OF PUMP STREET AND LITTLE HEREFORD STREET, BROMYARD, HEREFORDSHIRE

Demolition of walls at:

SAME ADDRESS

For: Rocrest Limited per Linton Design Group 27 High Street Bromyard Herefordshire HR7 4AA

Receipt of further correspondence from the applicant was reported, clarifying what changes had been made to the application in relation to a previous planning application.

In accordance with the criteria for public speaking, Natasha Oliver spoke in objection to the application.

The Sub-Committee noted that the applicant had addressed most of the actions suggested by officers, and felt that, although there had been some local concern over parking arrangements, these were insufficient grounds to refuse the

application. Members requested that an additional note be placed on the planning permission, informing prospective purchasers of the limited parking on the site.

RESOLVED: That

NC2004/0101/F

That subject to the receipt of satisfactorily amended drawings planning permission be granted subject to the following conditions, and to the addition of an informative note drawing attention to the limited parking on the site:

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 - No development shall take place on the site until details of the colour finish and materials of the proposed windows shall have been submitted to and agreed in writing by the Local Planning Authority. The proposed work shall thereafter be carried out in accordance with the approved details.

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

4 - H27 (Parking for site operatives) (delete 'within the application site')

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

5 - Notwithstanding any details to the contrary on the approved drawings, no doors fronting onto Little Hereford Street or Pump Street shall have steps outside the building line.

Reason: In the interest of the safety of pedestrians using the adjacent footpath.

6 - B01 (Samples of external materials)

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

7 - D01 (Site investigation - archaeology)

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

8 - None of the units hereby approved shall be occupied until
a) the cycle provision and
b) the bin storage facilities
have been provided on site and thereafter retained as approved.

Reason: To secure properly planned development.

9 - E16 (Removal of permitted development rights)

Reason: To safeguard the character of the area and amenities of nearby residents.

10 - G01 (Details of boundary treatments)

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

11 - G04 (Landscaping scheme (general))

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

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

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

13 - F17 (Scheme of foul drainage disposal)

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

14 - F16 (Restriction of hours during construction) (substitute 8.00am for 7.00pm Monday to Friday, and 9.00am for 8.00am on Saturdays)

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

16 - F48 (Details of slab levels) (insert 'to include details of external ramped accesses and changes of level to rear of development')

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

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN07 - Section 278 Agreement
- 5 - HN10 - No drainage to discharge to highway
- 6 - N15 - Reason(s) for the Grant of PP

NC2004/0102/C

That Conservation Area Consent be granted subject to the following conditions:

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

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

2 - C14 (Signing of contract before demolition) (delete 'building', insert 'wall')

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

Informative:

1. N15 (reasons for the grant of Conservation Area Consent)

Ref. 11
BROMYARD
 DCNC2004/0614/F

Conversion of existing building to create 4 one-bedroomed and 4 two-bedroomed residential units at:

19 PUMP STREET, BROMYARD, HEREFORDSHIRE, HR7 4BY

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

The Senior Planning Officer reported the receipt of amended plans, which confirmed that the development was "car free", in accordance with the Transportation Manager's comments. He confirmed that the area would be tarmaced with a reduced entrance to prevent vehicular access, and that a cycle rack would be installed. In response to a question, the Senior Planning Officer confirmed that the trees to be removed were deemed to be of no intrinsic value.

Members felt strongly that some parking provision should be included in the development on the grounds that alternative means of transport were limited. The Northern Divisional Planning Officer confirmed that it would be possible to include some on-site parking.

RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to consultation with the Local Member and Chairman, and subject to the following conditions

and any additional conditions considered necessary by officers, and subject to the inclusion of a condition to provide some parking provision on the site:

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 - H08 (Access closure)

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

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.

Informatives:

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

Ref. 12
STOKE PRIOR
 DCNC2004/0778/RM

Residential development for approval of reserved matters under outline planning permission ref NC2000/3426/O at:

**LAND ADJOINING BELMONT, STOKE PRIOR, LEOMINSTER
 HEREFORDSHIRE PARCEL NO. 1754**

For: Mr & Mrs B Shaw per Mr P.H. Bainbridge Stone Cottage Duke Street Withington Hereford HR1 3QD

In accordance with the criteria for public speaking, Mr Shaw, the applicant, spoke in support of the proposal.

In response to a question, the Senior Planning Officer confirmed that the proposed drainage extended to the junction with the main road.

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

1 - B01 (Samples of external materials)

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

2 - H04 (Visibility over frontage)(2 metres)

Reason: In the interests of highway safety.

3 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

4 - H08 (Access closure)

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

5 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

6 - H11 (Parking - estate development (more than one house))

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

7 - H17 (Junction improvement/off site works)(replace works with suitable pedestrian footway across the frontage of the site)

Reason: To ensure the safe and free flow of traffic on the highway.

8 - H27 (Parking for site operatives)

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

9 - H28 (Public rights of way)

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

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN05 - Works within the highway
- 4 - HN04 - Private apparatus within highway
- 5 - HN13 - Protection of visibility splays on private land
- 6 - HN19 - Disabled needs
- 7 - HN22 - Works adjoining highway
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Ref. 13
ELMS GREEN
DCNC2004/0877/F

Extension of industrial parking area (retrospective application) at:

LONGMEAD, ELMS GREEN, LEOMINSTER, HEREFORDSHIRE, HR6 0NS

For: John Ruck Construction per David Taylor Consultants The

Wheelwright's Shop Pudleston Leominster Herefordshire HR6 0RE

The Principal Planning Officer confirmed that the applicant had proposed to include additional planting to the front of the site, and that the application would therefore be subject to the receipt of suitably amended plans.

RESOLVED: That, subject to the receipt of suitably amended plans, officers named in the Scheme of Delegation to Officers be authorised to grant planning permission planning permission, subject to the following conditions:

1 - A09 (Amended plans)

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

2 - G03 (Landscaping scheme (housing development) - implementation) (shown on approved plan)

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

Informative:

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

Ref. 14
WHARTON
DCNC2003/1895/N

Pilot plant for accelerated composting of organic material for 5 years at:

WHARTON COURT, WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6 0NX

For: Bioganix Ltd at above address.

The Local Member, Council J.P. Thomas, requested that the application be deferred for the following reasons:

- He felt that further clarification was required in respect of the proposed agreement with English Heritage, outlined in Paragraph 4.6.
- Further information was required on the implications of DEFRA's temporary licensing of the plant, referred to in Paragraph 6.3.
- He could find no record of the Town Council being consulted in respect of a previous planning application for the site (NC2000/0673/F refers), and he wished for clarification on this point.

The Principal Officer (Minerals and Waste) confirmed that it would be necessary to impose further conditions on any planning permission granted in the light of English Heritage's comments. He advised that these would be finalised in consultation with the Conservation Officer, and that it was unnecessary to defer the application. The Sub-Committee felt, however, that the application should be deferred to await further information.

In accordance with the criteria for public speaking, Mr Eley, of Leominster Town Council (and on behalf of Humber, Ford and Stoke Prior Parish Council), and Mr Helme, the applicant were present at the meeting, and reserved their right to speak on the application when it came back before the Sub-Committee for consideration.

In accordance with the criteria for public speaking, Mr Bravery spoke in objection to the proposal.

RESOLVED: That consideration of the application be deferred for further information.

Ref. 15
AYMESTRY
DCNW2004/0645/F

Retrospective application for residential gypsy site for one residential caravan, dayroom and car parking at:

SMOKEY QUARRY, LOWER LYE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE HR6 9TA

For: Mr W J Price of same address

The Principal Planning Officer reported on some minor amendments to Condition 2, which would be included in the recommendation.

In accordance with the criteria for public speaking, Mr Price, the applicant and Mr Baines, the agent, spoke in support of the application.

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

1 - E27 (Personal condition)(William John Price)

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

2 - When the caravan and day room cease to be occupied by Mr William John Price or at the end of 3 years, or on him ceasing to be an itinerant worker, whichever shall first occur, the use hereby permitted shall cease and the caravan, day room, composting toilet and all other materials and equipment brought onto the site in connection with the use shall be permanently removed.

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

3 - Within one month of the date of this permission, the caravan shall be relocated to a position within the application site to be approved in writing by the local planning authority and it shall thereafter be

retained in the agreed position until the cessation of the use.

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

- 4 - In accordance with the approved plans, this permission relates to the citing of one residential caravan and day room. No other unit(s) of accommodation shall be brought onto or occupied on the site.

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

- 5 - F18 (Scheme of foul drainage disposal)

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

Informatives:

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

2 The applicant is advised that this temporary permission is granted in order to enable him to maintain his way of life until he reached retirement age. It is considered that all opportunities to establish a more settled way of life should be considered during this time since the local planning authority is unlikely to support a permanent site for a retired traveller.

Ref. 16
KINNERSLEY
DCNW2004/0695/F

Proposed change of use of timber yard and builders merchant to refurbishing, jetting and vacuum treatment to tanker lorries, and hires and sales of the same at:

FORMER KEEBLE TIMBER YARD, KINNERSLEY, HEREFORDSHIRE HR3 6QE

For: Messrs Betts & Evans per Mr D Walters,
27 Elizabeth Road, Kington, Herefordshire. HR5 3DB

Members noted that some of the conditions had been reproduced twice in the recommendation, and would therefore be deleted. He added that, if the application were approved, some minor issues relating to access would be addressed.

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. No metal fabrication, maintenance, construction or repair of vehicles

and associated parts shall occur before 0700 on weekdays and Saturdays nor after 1900 on weekdays and 1300 on Saturdays, nor at anytime on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

3. E06 – Restriction on Use (the refurbishment, jetting and vacuum treatment of tanker lorries and their hire and sales) (Class B2).

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

4. There shall be no open-air operation of plant, machinery or equipment within the application site with the exception of certain activities, which shall be agreed in writing together with the equipment required for these purposes, prior to the commencement of the use hereby approved. The use shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the locality.

5. Prior to the commencement of the use hereby approved, details of all plant and machinery to be used within the application site shall be supplied together with a scheme of associated sound attenuation as required. The approved scheme shall be implemented in accordance with these details and thereafter retained.

Reason: To safeguard the amenities of the location.

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is a multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, garages and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

7. Development shall not commence until a scheme to deal with the contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a desktop study and site investigation to identify the extent of contamination and the measures taken to avoid risk to the

environment. The agreed method statement shall include a report to demonstrate that the required remediation has been fully met and future monitoring proposals. Development shall be carried out in accordance with the details so approved.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

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.

Ref. 17
BOLLINGHAM
DCNW2004/0746/F

Agricultural worker's dwelling and attached garage at:

LAND AT QUEBB, BOLLINGHAM, KINGTON HEREFORD

For: Mr J P Raymond per Mr A Last Brookside Cottage Knapton Birley Herefordshire HR4 8ER

The receipt of a letter of objection from Mr Grant of Bollingham House was reported.

In accordance with the criteria for public speaking, Mr Raymond, the applicant, spoke in support of the application.

Members felt that the application should be approved on the grounds that an agricultural worker's dwelling was essential to the effective running of the farm business.

The Senior Planning Officer confirmed that the need for the dwelling was not in question, and that the proposed size was acceptable. He added, however, that the application did not constitute design excellence, and that the opinion of the three officers who had been involved with the application, was that the current design was unacceptable. He added that affordability was also an issue to be considered with this application.

The Northern Divisional Planning Officer stated that, if the application was approved, it would need to be subject to a Section 106 Obligation and the original outline planning permission would need to be revoked voluntarily.

The Sub-Committee was minded to approve the application, subject to the above, and subject to further negotiations to secure an improved design. The Principal Lawyer (Planning, Environment and Transport) reminded members of the Council's referral procedure, applicable in instances when members were minded to make a decision against officer advice.

RESOLVED: That

- (ii) The Northern Area Planning Sub-Committee is minded to approve the application, subject to the following conditions, and to any conditions felt to be necessary by the Head of Planning Services, provided that the Head of Planning Services does not refer the application to the Planning Committee:
- The applicant's voluntary agreement to revoke the original outline planning permission;
 - Any appropriate Section 106 obligations;
 - Appropriate conditions relating to materials;
 - Further negotiations to secure an improved design.
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application, subject to such conditions referred to above.

(Note: The Northern Divisional Planning Officer said that he would not refer the application to the Head of Planning Services. The application was therefore APPROVED.)

Ref. 18
LYONSHALL
 DCNW2004/0750/F

Proposed detached garage on land adjoining:

LITTLEBROOK COTTAGE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JP

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

The Principal Planning Officer reported the receipt of one further letter from the Parish Council, in respect of issues already raised in the report, and stating that the application would obscure light and views to the listed Tan House.

In accordance with the criteria for public speaking, Mrs Hussey spoke in objection to the application.

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

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

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

2 - B01 (Samples of external materials)

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

3 - F48 (Details of slab levels)

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

Informatives:

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

Ref. 19
KINGSLAND
 DCNW2004/0759/F

Construction of all weather corral for associated equestrian use at:

MILLFIELD, KINGSLAND, LEOMINSTER, HEREFORDSHIRE

For: Mr C.S. French per Mr P Titley New Cottage Upper Common Eyton Leominster HR6 OAQ

The Sub-Committee noted slight amendments to the wording of Condition 3. He added that temporary land use rights were permissible for 28 days in any year. Time limits would be finalised by officers.

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

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

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

2 - A07 (Development in accordance with approved plans)(site/location plan received on 1st March 2004 omitting the gantry lights from the proposal)

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

3 - The use of the all-weather corral shall be restricted to 0900 hours to 1900 hours Mondays to Saturdays between 1st March and 30th September in any calendar year and shall not be used at any time on Sundays unless otherwise agreed in writing by the local planning authority, subject to discussion with the applicant.

Reason: To safeguard the amenities of the locality.

4 - There shall be no means or artificial illumination and the use of public address systems or any amplified sound is specifically precluded from any activities associated with the all weather corral hereby approved.

Reason: To safeguard the amenities of the locality.

5 - G01 (Details of boundary treatments)

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The applicant is advised that this permission is granted in connection with the approved use of the land and buildings at Millfield as livery stables. It does not infer any right to hold organised equestrian related events for which separate planning permission would be required.

Ref. 20
CRAVEN ARMS
 DCNW2004/0885/F

Two storey extension at:

FOREST LODGE, DARK LANE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ

For: Mr & Mrs K Ellis per Mr D R Davies 23 Charlton Rise Ludlow Shropshire SY8 1ND

In accordance with the criteria for public speaking, Mr Davies, the applicant, spoke in support of the application. The local member, Councillor Mrs L.O. Barnett, requested that further discussions took place with officers, the applicant, the Chairman and herself, to address issues relating to design.

RESOLVED: That planning permission be granted subject to the following conditions, and subject to further negotiations with officers, the Chairman and the local member, to address design issues:

- 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 - B02 (Matching external materials (extension))

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

Informatives:

- 1 - N03 - Adjoining property rights

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

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNE2004/0025/O**

- The appeal was received on 21st May 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by M Parry & J Houghton
- The site is located at Meadow Cottage, Croft Bank, Malvern, Herefordshire, WR14 4DX
- The development proposed is Siting of two dwellings
- The appeal is to be heard by Written Representations

Case Officer: Ed Thomas on 01432-261795

APPEALS DETERMINED**Application No. DCNE2003/2666/F**

- The appeal was received on 13th January 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs S Houghton
- The site is located at New Court, Walwyn Road, Colwall, Malvern, Herefordshire, WR13 6QE
- The application, dated 1st September 2003, was refused on 6th November 2003
- The development proposed was Proposed chalet bungalow

Decision: The appeal was **DISMISSED** on 12th May 2004

Case Officer: Kevin Bishop on 01432-261803

Application No. NE2003/0483/F

- The appeal was received on 8th August 2003
- 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 Tesco Stores Limited
- The site is located at Tesco Stores Ltd, Orchard Lane, Ledbury, Herefordshire, HR8 1DQ
- The application, dated 12th February 2003, was refused on 10th April 2003
- The development proposed was Variation of Condition 10 of Planning Permission MH95/0535 in order to extend the delivery period on Monday to Saturday to 06.00 - 00.00 and on a Sunday from 08.00 - 19.00 hours.
- The main issue is whether the extended delivery times would cause significant harm to residential amenities due to noise.

Decision: The appeal is **ALLOWED** for extending the delivery times as sought on Sundays but **DISMISSED** for the extension of the delivery period on Mondays to Saturdays. Date of decision 27th May 2004

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

Case Officer: Russell Pryce

Application No. DCNE2003/1807/F

- The appeal was received on 5th February 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 Scott-Wilson
- The site is located at Stamps Cottage East, Old Church Road, Colwall, Malvern, Herefordshire, WR13 6EZ
- The application, dated 16th June 2003, was refused on 8th August 2003
- The development proposed was Extension to provide granny annexe.
- The main issues are whether the proposed extension would, firstly, preserve the setting and any features of special architectural or historic interest of the Listed Building and, secondly, preserve or enhance the character or appearance of the Conservation Area

Decision: The appeal was **DISMISSED** on 27th May 2004

Case Officer: Mark Tansley on 01432-261956

Application No. DCNE2003/1808/L

- The appeal was received on 5th February 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 Scott-Wilson
- The site is located at Stamps Cottage, Old Church Road, Colwall, Malvern, Herefordshire, WR13 6EZ
- The application, dated 16th June 2003, was refused on 8th August 2003
- The development proposed was Extension to provide granny annex
- The main issues are whether the proposed extension would, firstly, preserve the setting and any features of special architectural or historic interest of the Listed Building and, secondly, preserve or enhance the character or appearance of the Conservation Area

Decision: The appeal was **DISMISSED** on 27th May 2004

Case Officer: Mark Tansley on 01432-261956

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

**DCNC2003/1895/N - PILOT PLANT FOR
ACCELERATED COMPOSTING OF ORGANIC
MATERIAL FOR 5 YEARS AT WHARTON COURT,
WHARTON, LEOMINSTER, HEREFORDSHIRE, HR6
0NX**

For: Bioganix Ltd at above address.

Date Received:

1st July 2003

Ward:

Leominster South

Grid Ref:

51022, 55925

Expiry Date:

26th August 2003

Local Members: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The application site is at Wharton Court, about 3.1 Km south of the centre of Leominster immediately off the A49(T). Wharton Court is a Grade II* Listed Building dating principally from the 17th century. Two barns close to the Court are themselves separately and specifically listed as 16th century and combined 17th and 18th century respectively. The nearest houses are at Wharton Court (about 35m to the south-east), Stone Farm (350m to the west) and around Wharton Bank (13 houses 250 - 400m to the south-west).
- 1.2 The River Lugg SSSI/cSAC is about 250m to the east of the site.
- 1.3 The application site itself is irregularly shaped about 80m x 90m along the longest dimensions.
- 1.4 The proposal is retrospective and is for the retention of a Pilot plant for the accelerated composting of organic material for 5 years. The applicant operates a novel in-vessel feather composting business. The operation is carried out on a Pilot scale to determine the efficacy of the process for degrading feather in accordance with the requirements of the Animal Byproducts Order. The site has been operational since February 2002. The development began within a former agricultural building which was given permission for a change of use to commercial workshops in October 2000 under ref: NC2000/2267/F. There were no restrictions on that use, apart from two conditions requiring commencement within 5 years and improvements to the access with the Trunk Road; the original development was therefore within that permission. Had it remained within that building Officers consider that it would have been in accordance with that permission regardless of how offensive it became and that enforcement under planning law would not have succeeded. It would not however have been immune from enforcement under other legislation (e.g re nuisance or waste management). Because the operation extended outside of the permitted 'workshop' area it became unauthorised. The application has been submitted as a result of subsequent investigation by the Council's Enforcement Officer and amended as a result of inspections by the Council's Environmental Health Officer. The operator has made a number of alterations to the process to meet these. Permission is now sought

for the temporary retention and use of new and altered buildings, the process equipment, external abatement facilities and an external bio filter until 1 July 2008.

- 1.5 The process itself uses a loading shovel and mixing vessel to mix poultry and stable manure (20%), poultry (feather) waste (61%), separated kitchen waste (8%), paper (5%) and green waste (5%) within an enclosed building. These materials are mixed and fed into a processing vessel circa 20m long x circa 4m in diameter, rotating under heat, at 4 revolutions per hour. Treated compost is then screened and dried before being loaded into bulk trailers for delivery to farms where it is used as a composting material. Loading and processing take place within a corrugated iron building under negative air pressure. External equipment consists of 5 air scrubber towers, to clean exhaust air of dust, particles and odours, a series of chemical treatment tanks, covered conveyors and a large external bio filter from which treated air discharges to atmosphere.
- 1.6 The application was deferred at the last meeting and the report has been amended to address Members' concerns.

2. Policies

Waste Strategy 2000
Planning Policy Guidance Note 10

Hereford and Worcester County Structure Plan

WD2 – Location and Need
WD3 – General Development Control criteria
E14 – Adequate Disposal of Waste
E15 – Dangerous or difficult Waste
CTC3 – Protection of Sites of International Importance
CTC7 – Protection of Listed Buildings
CTC9 – General Development Control Criteria

Leominster District Local Plan

A1 – General Development Control Criteria
A3 – Protection of International Sites
A4 – Protection of SSSI
A13 – Monitoring Pollution Control
A14 – Safeguarding Water Resources
A15 – Development and Watercourses
A18 – Listed Building and their Settings
A24 – Scale and Character of Development
A36 – New employment in Rural Buildings
A70 – Traffic
A76 – Parking

3. Planning History

NC1999/2252/F – Proposed mushroom growing unit, new barn, extensions to existing barn, new farm buildings, associated landscape works – granted 8th March 2000

NC2000/2267/F – Change of use from agricultural workshops to commercial workshops – Granted 18th October 2000

Adjoining Land

97/0461/S – Continuation of earth barrier as noise/visual barrier alongside the A49 – Prior Approval Required 1st July 1997

97/0788/N – Continuation of Earth Barrier as noise/visual barrier alongside the A49 – Permission granted 17th December 1997.

NC99/2318/F – Change of Use from agricultural workshops to commercial workshops – granted 8th March 2000.

4. Consultation Summary

- 4.1 The proposal was advertised on site, in a newspaper and 29 neighbour notification letters were sent out.

Statutory Consultations

- 4.2 Environment Agency: Originally imposed a Holding Objection, requiring a Flood Risk Assessment of the site and recommended an Ecological Survey. They have subsequently withdrawn their objection and confirm that the application site is outside of the theoretical 1 in 100 year flood level and therefore outside of the 1 in 100 year floodplain of the River Lugg. Conditions are recommended to require surface water drainage schemes to be agreed to control pollution. The need to protect the River Lugg SSSI/cSAC and water voles is emphasised.
- 4.3 River Lugg Internal Drainage Board: Note that if there is any increase in discharge volumes or rates of discharge a consent will be necessary and that the developer will need to ensure discharges from the site do not adversely affect adjoining watercourses or the River Lugg SSSI/cSAC.
- 4.4 English Nature: State that “whilst there have been no discernible downward environmental trends arising from the operation of this plant by the river Lugg SSSI/cSAC, it is good to have the safeguards present. English Nature commends the efforts that you have placed on securing regulation at this site in the form of this retrospective application.”

In a subsequent letter they note, “It is clear from the nature of the process that the threat considerations which were raised at a recent application are probably unfounded, as such English Nature is fairly neutral on the proposal.”

- 4.5 Highways Agency: Have no objections.
- 4.6 Network Rail: Do not wish to comment.
- 4.7 English Heritage: Originally commented that they “regard this as an inheritantly unsuitable location for an expanding and intensive industrial activity. It creates an alien neighbour for this fine 17th Century house and degrades the character of its historic setting. It is difficult to see how this scale of construction and activity could be adequately mitigated by landscaping measures – note the visual impact for example of building 4... English Heritage therefore objects to this application.”

Following on site discussions with officers they have now withdrawn their objections provided that any permission is time limited to 5 years and there is a binding

commitment to a strategy (as set out in outline by Mr Helme in the document accompanying his letter of 26th March) ...this will need detailed agreement for the immediate implementation of some landscaping and any necessary holding repairs for the historic farm buildings.

- 4.8 DEFRA: Officers consulted DEFRA because the DEFRA website appears to endorse the application. DEFRA are adamant however, that this is not the case, and that the application does not fall within the (Loss of Agricultural Land based) consultation in the GPDO and that DEFRA does not therefore make any comments.
- 4.9 County Transportation Manager does not wish to restrict the grant of permission but expressed concern about the need for adequate parking and turning space and the site layout and that access should only be via the trunk road not via the over bridge to the B4361.
- 4.10 EHO has submitted 4 detailed responses, summarised:

“This service has received a large number of complaints regarding malodorous emissions from the composting operation at the above site. The complaints are mainly from the residents of Stoke Prior, Ford Bridge and Wharton Bank, however complaints have also been received as far away as Leominster. Complaints are also occasionally received from persons travelling on the A49...”

“The information available to me as regards this proposal in the main indicated that should proper controls and practices be employed that it can be undertaken without causing odour nuisance. If this application is successful it will be subject to the requirements of a waste disposal licence which will impose condition as regards such controls and practices...”

“The odour plume analysis suggests that the odour emissions from the composting can be treated to a level that should not cause nuisance nor give rise to a loss of residential amenity. The sampling done shows clearly that there is a substantial improvement in the removal of odour from the extract gases once they pass through the Biofilter achieving a reduction in odour of approximately 98%. Prior to the introduction of this filter the odours emitted through the exhaust system were at a much greater concentration and gave rise to numerous complaints and were in my opinion unacceptable. Information available to me in the way of odour monitoring in the main supports the conclusions of the odour plume analysis, the exception being the observations by residents keeping records.

It is difficult to check on the source of the odour with this type of report, however there are instances where odour is attributed to the Biogonix plant when other activities were taking place in the area, which could account for the nuisance. For example, I would bring your attention to the reference to a group of tourists deciding not to visit Leominster on the 1st April. Investigation of complaints from residents of Leominster at that time identified the source to be manure spreading on land near to the new Leominster Industrial Estate.

The records provided are useful in indicating trends and they show an improvement. Reports of odour are not now as frequent, often being less intense and of short duration. It is clear, however, that the residents keeping the records do not find the situation acceptable.

Officer observations since February only regularly identify odours on the A49 adjacent to Wharton Court. However, these are not at a level that could be regarded as a nuisance.

I have discussed the Odour Plume Analysis with the Environment Agency Officer responsible for this area who advises that although written confirmation that their Air Quality experts are satisfied is not yet available, it is not, however, expected that there should be any fundamental concerns.

If it is minded to grant planning permission it may be appropriate to require that the integrity of the buildings etc is checked by smoke testing or similar and that enclosed conveyors are provided to transport materials between buildings...

... that lorries should be sheeted and that it is not clear if the noise worries raised relate to the operations at Bioginix or some other activity on the Wharton Court site.

I would therefore conclude that whilst I appreciate concerns expressed by residents, it may prove difficult to defend on appeal on the grounds of odour nuisance.'

- 4.11 Head of Conservation: Notes that this tall, stone-built Jacobean house dominates the flatlands formed by the Lugg and the Arrow and must have been built to be seen and admired. Four storeys tall, the prominent chimneys rising from each corner, it commands the valley from Leominster to Hampton Court. Pevsner described it as 'forbidding' and indeed it is. The presence of the 17th Century to the north of the court suggests an agricultural livelihood has always been associated with this place. Although railway, trunk road and bypass break up the estate, the powerful presence of the house is still very evident along each of these routes. "The nature of the expansion at Wharton Court and the spread of its operation seriously threatens the visual quality of the house within its setting. As part of plans for agricultural diversification, a series of functions have stealthily invaded the area to the north of the Court house and its appearance is now marred by industry. The latest application to retain sheds and containers will further contribute to the blight that is currently affecting the enjoyment of the Court."

This retrospective application is to retain a 12-metre high steel clad shed to one side of an existing modern barn to the northwest of the Court. The application also seeks approval for the retention of some 9 metre high industrial containers and associated sheds. All of these new buildings may be seen within the same field of vision as Wharton Court and are in close proximity to the 17th Century timber framed barns. The new 12-metre high building is extremely prominent, so much so that it competes with the Court for attention. From whichever direction the Court is approached, but more especially from the north the new building is so visually dominant that it itself has become the 'forbidding' element that is robbing the house of one of its most noted qualities. In the same way the humble vernacular quality of the 17th Century timber framed barn is completely dwarfed by its neighbours.

In principle, agricultural diversification is well supported and is to be generally encouraged especially where compatible new uses can contribute to the upkeep of the historic property. Indeed PPG 15 (3.5 para 4) advises that this issue should form part of the consideration for listed building consent. However, the operations at Wharton Court which by stealth spread in both scale and type so that the site resembles an industrial estate rather than a traditional farmyard and the 17th Century ambience of the place is quite lost amongst it all. PPG 15 (3.3) recognises that 'minor works of indifferent quality which may seem of little importance, can accumulatively of very

destructive... and I am of the opinion that this application to regularise... business would serve to further erode the quality of the setting of the house.

On the setting of listed buildings, PPG 15 (2.17) further advises that 'tall or bulky buildings might affect the setting of listed buildings at some distance and alter the historic skyline' given the fact that this new building can be seen for some distance along the valley and that it competes with the outline of the older, I feel that this affect will be harmful. Under policy A18 of the District Local Plan application, which adversely affect the setting of a listed building, should be refused. I would advise that this application adversely affects the setting of Wharton Court and should not therefore be granted.

5. Representations

- 5.1 Humber and Stoke Prior Group Parish Council, originally recommended approval, subject to the applicant obtaining a waste management licence, a trial period of several months to assess odour emissions, before both the plant reaches full capacity and full planning permission is given... In a subsequent letter they commented that unless the smell nuisance is eliminated by 10th December 2003 the Council will withdraw its approval and object on the grounds that the company is not capable of operating without the severe nuisance to the local community. On December 19th the Parish Council withdrew their support and objected.

They have subsequently provided 3 detailed assessments of odour monitoring of the site and repeat their position that "the firm cannot proceed until and unless the smell is eliminated permanently."

- 5.2 Leominster Town Council originally recommended that permission should be refused because the process continues to cause severe odour problems over a very wide area and would like to see the problem under clear control before a temporary permission for 5 years should be allowed. In a subsequent letter on 6th January 2004 they commented that "the company had been granted plenty of time in which to refine their emission control and had failed miserably... that travel along the Leominster Bypass is regularly affected by strong, foul odours and in certain conditions, the Town of Leominster is still seriously affected. Leominster Town Council feel that the company has been given both time and support in perfecting a process which severely affected the local community for many months and has failed in that aim. (They) strongly recommend that the planning permission be withdrawn and the company be obliged to cease operation of the process which causes foul emissions. They "consider it unthinkable that the residents of a large area to the north of our County should be subjected to any further episodes of very unpleasant and uncomfortable daily living conditions."
- 5.3 Hope Under Dinmore Parish Council originally recommended that planning permission should not be granted until members have held a site inspection and the River Lugg IDB have been consulted (because of the possibility of contamination), that permission should only be granted for one year periods until the operation is nuisance/noise-free, in accordance with the Waste Management Licence and the quantity proposed for treatment can be properly maintained. They have subsequently (December 2003) withdrawn their support 'on the grounds that the firm is not capable of eliminating the smell nuisance,... that the plant is irretrievably flawed. It should not be operating'.
- 5.4 19 Letters of objection have been received from:

Mrs L Hazel, Yew Tree Cottage, Brierly enclosing a petition signed by 7 people.
Mr & Mrs Evans, 1 Wharton Lane Cottages, Wharton
Mr & Mrs Jones, Sunnyside, The Street, Poynings, West Sussex
Mrs J Taylor, 44 Castle Fields, Leominster
Mrs S Heckler, Moriah House, Hornsteffan, Camarthenshire
Mrs G M Wainwright, Railway Cottage, Stoke Prior
Mrs J Biddle, Fernside, Stoke Prior
Mrs C Proctor, 15 Kenwater Close, Leominster
Mrs J O Magridge, The Prill, Stoke Prior
W G & C M Smith, 2 Wharton Lane Cottages, Wharton
Mrs C K Patterson, Wharton Cottage, Wharton Bank
Mr I T Hamilton, Cooks Folly, Wharton
Mrs M A Jones, Stone Farm, Stoke Prior
Mr & Mrs Evans, The Dalmonds, Stoke Prior
A E Luck, Highlands, Wharton Bank
B G Scott, Bannut Tree Cottage, Fordbridge, Leominster

5.5 The principal points of objection are:

- Misleading claims by the applicant
- Noise nuisance
- Undesirable traffic effects
- Impact on the Flood Plain
- Adverse effects on the setting of a historic building
- The unsaleability of local houses
- The risk of pollution
- The unsuitability of location

An almost universal complaint however has been of the odour nuisance produced on the site which is generally described by respondents in terms of being repulsive, obnoxious, a putrid stench and intolerable to the point of causing sickness and distress and that these smells prevented the enjoyment of houses and gardens, seriously affected the quality of life, the enjoyment of food, social life, have required windows and doors to be closed causing particular difficulty in hot weather and generally cause adverse effects on local businesses and tourism.

One letter of support has been received from J A Ruck of Longmead, Elms Green, Leominster HR6 0N5 who states that 'It is true up to December 2003 there had been a very strong emission during the process but since December there has been no smell at all owing to the new fertilising systems. Mr Helme's process prevents the waste going to landfill sites and is good for the environment which we should all support.'

Some letters note that the incidence of smell nuisance has been very much reduced since the bio-filter was built – but that isolated events still occur.

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

6. Officers Appraisal

- 6.1 Members should be aware that another application for retrospective planning permission for the continuation of use of an agricultural yard as a waste transfer station for demolition and excavation materials (ref. NC2003/0753/N) is also outstanding and adjoins this application site. Officers hope to bring a report to the Sub-Committee soon.
- 6.2 The Sub-Committee held a formal site inspection on 6th April 2004.
- 6.3 Members should be aware that if permission were to be granted the applicant would need a Waste Management Licence from the Environment Agency. The Licence would control the kinds of waste involved and how they are to be treated in order to minimise the risk of pollution. The Agency has discretionary powers to refuse licences, require them to be modified and has powers of prosecution. A licence cannot be granted until a planning permission has been issued.

The Plant has recently been temporarily licensed by DEFRA to compost animal and catering waste under the Animal By Products, Regulations 2003. Full approval is subject to laboratory testing during the validation period (i.e until 28th/07/04).

The DEFRA Licence is parallel in nature to Waste Management Licences issued by the Environment Agency. The need for and nature of these bodies' licences are material planning considerations but PPG 23: Planning and Pollution Control, is explicit that "the planning system should not be operated so as to duplicate controls which are the statutory responsibilities of other bodies" and that "Planning authorities should work on the assumption that the pollution control regimes will be properly applied and enforced. They should not seek to substitute their own judgement on pollution control issues ..." It is within DEFRA's powers to issue or refuse a licence under the Regulations and to prosecute breaches of any licence but the operation of the Regulations are not matters which can be given any weight here.

- 6.4 The application itself raises complex and contradictory issues, for simplicity's sake these are dealt with under the following headings:

National and Regional Waste Policy
SSSI/cSAC Issues
Use Class Issues
Structure and Local Plan Waste Policy
BPEO
Listed Building Issues
Alternatives
Conclusion

National and Regional Policy Context. The National Waste Policy is in essence based on the European Framework Directive on Waste, which has been brought into English law and the principles of sustainability. The published 'Waste Strategy 2000' describes the Government's vision for managing waste and sets out guidelines on how the changes necessary will be made. The Strategy expects planning decisions for waste treatment and disposal to be based on a local assessment of the Best Practicable Environmental Option (BPEO) for individual waste treatments.

- 6.5 The principles of waste planning are set out in PPG 10. The concept of BPEO must be interpreted widely and is discussed later in the report.

- 6.6 The West Midlands Regional Technical Advisory Body for Waste has submitted a draft Regional Waste Management Strategy to the regional planning body. The Strategy identifies the need for further facilities in the County to meet National targets. It does not prescribe specific methods or locations for waste treatment facilities and it does not deal with this particular waste stream. The consultation draft UDP incorporates the basic requirements of both the Waste Strategy 2000 and the Draft Regional Waste Management Strategy, but again does not specifically address this waste stream. In general however the proposal is in accordance with the principles of both regional and draft UDP Policy and it could not be refused on these grounds.
- 6.7 SSSI/cSAC The application site adjoins the River Lugg SSSI, cSAC the protection of which must be given the highest priority. Neither English Nature or the Environment Agency consider however that the application would have any adverse implications for the designated sites or species. Although the need to prevent pollution of the river or watercourses which feed into it is of the greatest importance these are dealt with below under general headings of pollution control and there are no reasons for refusing permission on the grounds that it would have an adverse effect on the river Lugg SSSI/cSAC.
- 6.8 Use Class Issues At the last meeting, Members asked for clarification of the Use Class Issues involved. The matter is a complicated one.

The existing use

The main process building consists of an unauthorised extension to an earlier building. That earlier building was granted permission in October 2000 under ref. NC2000/2267 for use as "Commercial Workshop" without clarification of what this meant or conditions to define the use. In the circumstances 'workshop' can reasonably be interpreted as "use for the carrying on of an industrial process" and since it was not restricted to a B1 use must reasonably be B2.

The proposed use

A Composting Place, involving animal or vegetable matter, is a B2 use. Although composting has traditionally been a more passive operation, it could be argued that the proposal falls within the classification. It is significant that a Waste Treatment Place is also B2.

Officers consider that there is a parallel between the application and sewage treatment. Both involve treating objectionable organic waste to make it possible to dispose of it to land as a soil improver. Some sewage treatments even involve heating and mixing materials in the same sort of way as this proposal; these are B2 uses. In the circumstances, officers consider that the proposal should therefore be considered a B2 use.

The corollary must be that there is nothing to prevent permission NC2000/2267/F being used for this purpose. Retrospective permission is, however, necessary for the extension of that use beyond the (very small) area of this permission.

- 6.9 Structure Plan and Local Policies Structure Plan Policies for waste, notably policies WD2 and 3 prescribe that the site for the disposal of waste should have regard to the geographical and transport relationship between the sources of waste and the proposed handling or disposals, the cumulative impact of those facilities and the need for them and set out a list of criteria against which applications will be considered.

- 6.10 Other policies in the Leominster District Local Plan amplify these and relate to the wider implications and effects of proposals. These issues are simplified under general headings:

Location/Proximity to Waste Sources

The proximity of waste management facilities to the sources of waste handled is a matter of considerable importance and the 'Proximity Principle' is now enshrined in Government Policy and a central part of the concept of BPEO. In this case the application site is located on the trunk road network and is fairly well placed to take deliveries of waste minerals from the north of the County and has good links to the wider road network. Much of these materials are relatively locally produced and it could not be argued that the proposal could be refused on the grounds that it did not comply with the Proximity Principle.

BPEO (Best Practicable Environmental Option)

The concept of BPEO is central to national waste policy and the Courts have held that it is a consideration, which must become in mind at all times by the decision maker. The Council has adopted a BPEO for the major waste streams, that for commercial and industrial waste, (which it could be argued includes the materials involved here) is to reduce the element landfilled to 23%, increase recycling to 73% and thermally treat the remaining 4%. The proposal is to increase recycling of waste streams, which at least in part could be described as originating from food preparation. If this is accepted it would in principle be in accordance with the BPEO. Even if the waste stream is defined as agricultural the application is to develop a means of transforming a fairly difficult waste, into compost quickly and in principle this must be desirable particularly in this County where poultry processing is important and large scale. As such it conforms to the principle of the Waste Hierarchy.

Effects of Surface and Ground Waters

The protection of local water sources from pollution is of the highest importance – the nature conservation interests of the River Lugg SSSI/cSAC are particularly vulnerable. There are no suggestions however from the statutory consultees that local surface and ground waters could not be adequately protected by the imposition of conditions. If permission were to be granted Officers would argue that these are essential. The Environmental Agency's advice is that Sustainable Urban Drainage Schemes (SUDS) should be used. If permission were to be granted, Officers would recommend that the submitted schemes should, subject to English Nature's advice, include works to adjoining ditches under the applicants control to increase their natural cleaning systems to protect and enhance the Lugg SSSI.

Effects on Nature Conservation

The site adjoins the River Lugg and the land between the river and the site is of very high nature conservation value. The applicant has submitted a survey of the flora and fauna present in the drainage ditches and pond at Wharton Court (which are the most important features of the application site regarding the SSSI/iSAC designation) by the Wild Things Consultancy Of Ludlow. The survey found that the ditch to the rear of the offices was the least biologically diverse and most enriched with nutrients. (This is part of the reason why officers recommend that if permission is given, a condition requiring biological filtration of this ditch should be considered). The ditch emptying into the Lugg was biologically the richest and there were indications that all of the water

features were connected during times of flood. The need to ensure the adequacy of the surface water system is therefore re-enforced by the report. Evidence of two protected species, Barn Owl and Otter was detected on site. There is no reason to assume that the development itself could adversely affect these provided that surface water pollution is prevented. The Environment Agency have expressed concern about the need to ensure that any vermin control measures do not poison Water Voles, and this could usefully be prevented by condition.

Effects on the Landscape

The application site is outside of but overlooked by the Area of Great Landscape Value. The 'tower' added to the barn in the north side of the site is particularly prominent and Officers consider distracts from views of the AGLV for some distance along the A49. The landscape of the application area itself is markedly flat with long views north to south along the river valley. Historically Wharton Court dominated this view. A number of intensive developments have diminished this effect over the years. The (permitted) barn to the north of the site and the bund alongside the A49 and north of the site (some of which is permitted) are significant in this respect. The 'tower' added to this barn is particularly so. The weight to be given to the effect of this tower, when considered against other developments on and around the site must be a matter of opinion. Officers' advice is that the tower has an adverse impact on the local landscape and would recommend that it should be refused on these grounds if the application were for its permanent retention.

Effects on Local Settlements and Amenities

The development applied for is not visually attractive but only limited parts are visible from adjoining public land. What is visible from Wharton Bank, the settlement closest to the site, dominates the view and could be considered a disamenity. Other effects on local settlements and amenities must include additional traffic (considered below) and noise and dust/litter and vermin. Objections have drawn attention to these. It must be emphasised that all of these matters could be controlled under the Environmental Health Officers 'nuisance' legislation and any Waste Management Licence that might be granted. They are however material considerations to the planning application. Officers have not found sufficient evidence to justify refusal of permission on these grounds. Identifying the extent that the application site is responsible for expressions of concern about noise has proved particularly difficult. It is possible that other activities within Wharton Court complex (e.g. in connection with potato or wooden box storage) may have generated noises which objectors have attributed to the application. The Environmental Health Officer's advice is that the noise emitted from the plant is generally a steady low-level hum. Vehicles are loaded and unloaded within the process buildings and should not generate excessive noise. It would be fair to say however that the development has not improved the amenity of local people generally and if permission were to be granted Officers would recommend that a precautionary condition requiring noise assessments must be submitted should be imposed if the Environmental Health Officer considers that the potential noise nuisance may have developed. Conditions to keep the site tidy and free from litter/waste should be imposed.

The most important effect on local amenities from the development has undoubtedly however been the creation of unpleasant odours. Some Members may have experienced these and it is not easy to discuss the issue in the measured way necessary in considering a planning application. Officers' advice is that Members should have no illusion that the objections made by local people were unfounded or

unreasonable and that the smells originating from the plant up to the end of 2003 were repellent and must have been very distressing to local people. If these smells had continued in the same way to the present day Officers would have recommended refusal on the grounds of the unacceptable effect on local amenities, residents and visitors to the area. Members should be aware however that the proposal is for the development of a pilot plant for a limited period. The process is by implication experimental and subject to change. Over the past year these changes have been considerable and have significantly improved the operation of the plant. The Council's Environmental Health Officer has monitored the site since 2002 and found much that was objectionable. Since the beginning of February 2004 however he has received only 25 individual complaints about the site, referring to only 5 specific events. Of these complaints 4 were made before the current system was operating correctly, 19 were for odours, which were not from the Biogonix plant, and 2 were from sites, which could not be confirmed. His own routine monitoring over the same period at Elms Green, Marlbrook Farm, Stone Farm, Pound Cottage and Ashwood House (not specifically in response to complaints) found slight odours on only 3 occasions (by Stone Farm), one incident coinciding with a malfunction of the abatement equipment. He did find that periods of odour can still be observed on the A49 near the site but that since the biofilter was commissioned their intensity has much reduced and can only be described as faint. Subjectively he found that the odour detected does not appear to be offensive.

The applicant has submitted an Environmental Quality Odour Emissions Sampling and Odour Plume Modelling report and a subsequent supplement, undertaken by ADAS Environment of Wolverhampton. The conclusions of the report are (in summary) that the system may be regarded as 3 gaseous exhaust generators (the main composter system, the associated feedstock pre-store and preparation facility and the areas for enclosed conveying and handling within the main building). These generate gases, which are discharged to atmosphere through a very sophisticated gas clean up system. The buildings are all sealed and operate under a suction pressure so that any air movement is into the buildings and ultimately through the gas extraction system.

ADAS found that the air scrubbing system is very effective and the further treatment of exhaust air through the bio filter reduces the odour concentration to levels that are very good to excellent in comparison to industry standards.

DEFRA: Code of Good Practice for Air states 30 ouE/m^3 as typical i.e. reasonable for background odour in agricultural areas. Allowing for peaking above a 'mean' level is presumed and ideally levels of 10% of the peak level are the aim. "The odour plume analysis reveals that with atmospheric dispersion caused by wind and other weather effects, acceptable standards ($<1.5 \text{ OUE/M}^3$) can be achieved at nearby receptors including at the nearest (outside) property 'Stone Farm'. Under a scenario of 'High Emissions' Stone Farm may be subject to a raised odour concentration level estimated at 4.5 OUE/M^3 . Given the agricultural status of Stone Farm and the emissions from Biogonix' process being described as 'earthy or compost' it may be determined that even the high 4.5 OUE/M^3 value would not be deemed an unduly adverse impact."

The Council's Environmental Health Officer requested clarification from ADAS about the report and has made detailed comments on it. ADAS confirmed that "facility air leakage tests have been undertaken and the sealing of the building and process have been found very effective."

The Environment Agency have chosen to review this specific Odour Plume Analysis report as part of their 'normal' assessment procedures. Any comments will be reported

orally. To date however the indication is that they are broadly satisfied with the methodology used. An important criticism of the ADAS report must however be that it treats Stone Farm as the nearest house and as an agricultural unit. Neither is true. Wharton Court itself is far closer and it can reasonably be assumed that the odour levels there are likely to be higher than at Stone Court. The submitted details show "normal" operating conditions of c.10 OUE/M³ at the Court (which is below the 30 OU/EM³ considered typical) and higher levels of a 50 OU/E³, (which are likely to be considered excessive by most people). These do not invalidate the report but they do underplay the undoubtedly adverse effects the operation has on the residents of Wharton Court. If the application were for the permanent retention of the development Officers would have been extremely concerned on these grounds. The application is however only for a temporary period and the Court is inhabited by the applicant, these are material factors.

In conclusion the Environmental Health Officer's advice is that "information available to me as regards this proposal in the main indicated that should proper controls and facilities be employed that it can be undertaken without causing odour nuisance. If this application is successful it will be subject to the requirements of a waste disposal license, which will impose conditions as regards such controls and policies. I would therefore conclude that whilst I appreciate concerns expressed by residents it may prove difficult to defend an appeal on the grounds of odour nuisance."

If permission were to be granted he recommends that conditions should be imposed to require the integrity of the buildings to be checked (for negative air pressure) that enclosed conveyors should be provided to transport materials between buildings and that lorries bringing waste in or compost out should be sheeted.

Local Road Network and Road Safety

The site has accesses to both the Trunk Road and the B4361. The Highways Agency has no objection to proposal. The Council's Transportation Manager has expressed concern about lorries exiting onto the B road and Officers recommend that if permission were to be granted a condition requiring a sign to be erected to direct lorries leaving the site onto the Trunk Road could be imposed. Officers advice is therefore that permission could not be refused on highway grounds.

Effect on Sites of Historic and Architectural Importance

There are 3 Listed Buildings on site. English Heritage and the Head of Conservation originally objected to the application and members should be under no illusion that Officers consider that it adversely affects the setting of all 3. The principal area of concern is the effect of the 'tower' to the north, which now dominates views of the Farm complex significantly undermining one of Wharton Court's most important qualities—the dominating effect it has, or rather had, on the landscape. That Wharton Court is a Grade 2* Listed Building i.e. one of the 6 or 7% most important buildings in the country, makes this effect particularly undesirable.

Officers have held on-site discussions with the applicant, English Nature and the Council's Historic Buildings Conservation Officer. At their suggestion the applicant has submitted a Vision Statement for the Court, which in essence, explains the history of the site as a centre of busy activity and the need for incomes from the site other than agriculture to subsidise its repair. These are material considerations and the general principle is in accordance with government policy. The weight to be given to this argument is a matter of judgement but must be recognised the Court has stood for

about 400 years and now needs considerable and expensive repairs. In principle temporary adverse activity generating funds for its long-term survival would be acceptable. English Heritage have withdrawn their objection on the understanding that conditions will be imposed to address issues relating to the maintenance and protection of the 3 Listed Buildings nearby, their setting and how the applicant's Vision Statement for the site can be realised. Officers consider that such conditions are difficult to apply. The applicant states that Bioganix is a community owned co-operative and that the only personal benefit that he receives is a salary for managing it. Officers consider that in consequence it could not be argued that there is any great necessity for the Composting Operation to be located close to Wharton Court. As a corollary that if permission is only to be granted for a short period it would not be reasonable to impose significant demands on the applicant. Officers share English Heritage's concern that the landscaping around the Court complex needs significant attention but do not believe that requiring such changes would be reasonable in the context of this application. The issue will, however, be addressed when the outstanding application for the Waste Transfer Station adjoining this site is referred to the Sub-Committee. The Council's Conservation Officer's advice is that a condition should be imposed requiring a condition survey of the three Listed Buildings to be provided. It is possible, for example, that the demolition/clearance operations proposed might adversely affect them, and the survey is justifiable on these grounds.

The effect of offensive odours on the setting of a Listed Building is difficult to assess. It could not be argued however that those affects are other than adverse and together with the visual effects of application must count towards the case for refusing permission. Officers advice is that a decision to refuse permission on the grounds of adverse effect on the Listed Buildings on site would be justifiable and defensible.

Alternatives

Unfortunately the issues in this use are not simple. Members should be aware that permission NC2000/2267/F is still extant and that if permission were to be refused and enforced the applicant could in theory revert to the original operation located in this building and could operate without further control from the planning system. It is likely that to do so the applicant would have to remove all the useful adjuncts developed over the last 2 years to improve the operation of the site and in reducing the scale of the activity would probably generate the same offensive odours that have caused local people such distress. Any such activity would be subject to enforcement by the Environmental Health Officer under nuisance legislation – but in practice such action is only likely to require works to be done to 'abate' the nuisance and could not prevent it. The Environmental Health Officer's comments that "it may prove difficult to defend an appeal on the grounds of odour nuisance" should be noted.

The Environment Agency has a duty to grant or refuse Waste Management Licences but it would be fair to say has found this a difficult case. It must be emphasised that they have not publicly stated any position regarding it. Your Officers assume that it is possible that if permission was refused and the operation could be entirely contained within the original building that a licence could be granted. Although a refusal of planning permission could be pursued it is possible that it might not therefore entirely remove the use itself and might lead to a reversion to the earlier seriously unsatisfactory position of 2 years ago.

The application itself is explicitly for a pilot project for a five-year period. Almost a year of this period has now passed. If permission were to be granted it could be done on explicit conditions that it ceased and that all the built elements constructed were

removed from the site by 1st July 2008. This could be enforced. The advantages would be that the applicant is able to refine the pilot project and would have time to develop an alternative site. The disadvantages would be that local people might be exposed to further disamenity and that the Council has accepted that adverse effects on the Listed Buildings are acceptable in the short term.

Conclusion

Officers believe that there are good indications that the site is now operating acceptably and it is possible that the odour nuisances of the past may have ceased. The applicant may therefore be on course to demonstrate the success of the proposal and given the time applied for, may be able to find an alternative site. The proposal can be effectively time limited by condition and this may therefore prove an acceptable compromise. Its continuation would mean temporary adverse effects on the setting of the 3 Listed Buildings, particularly the most important, Wharton Court itself, but on balance Officers consider that this short-term disbenefit could be seen against the possible benefit that an additional income stream for the repair of the house might create.

Members should also be aware that in Waste Planning terms the development of in-vessel composting has been difficult if this pilot project were to be successful it could have a wide application and lead to the development of a useful waste treatment technology. On balance therefore Officers recommend that planning permission should be granted.

S72(1)(b) of the 1990 Act expressly gives power to impose conditions requiring that a use be discontinued or that buildings or works be removed at the end of a specified period. This power is clarified in Circular 11/95 which advises inter alia, that, "a temporary permission will normally only be appropriate where the applicant proposes temporary developments, or when a trial run is needed in order to assess the effect of the development of the area ..."

The Circular notes that such a permission must be reasonable having regard to the capital expenditure necessary to carry out the development. In this case the applicant has expressly applied for permission for a "Pilot Plant ... for 5 years" and in supporting documents states:

"The current plant is intended to be operated only as a pilot plant. It is needed as a proving ground for the principles and technology of composting and as a demonstration of the effectiveness of the process, with a view to relocating the entire operation to a larger plant on allocated industrial land at the earliest opportunity."

It could not reasonably be argued therefore that the applicant was under any illusion that he was applying for a temporary permission. Officers have made it clear orally that any such will require the site to be cleared of all buildings, structures etc. associated with the application and the applicant has been asked to supply a plan and schedule indicating all of these. There should not therefore be any ambiguity that the proposal is for a specific, limited period and will be removed at the end of that time.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further conditions considered necessary by Officers:

- 1 - The use hereby permitted shall cease on 1st July 2008 and all of building 1, the high part of building 4 (i.e. that part not permitted under ref. NC1999/2252/F granted 8 March 2000), the scrubber tanks numbered 1, 2, 3, 4 and 5, the enclosed conveyor, two overhead ducts, the structure between building 4 and odour scrubbing unit no. 1, and contents of the bio-filter, and associated structures and works shown on plans 488/03 Rev B (May 04) and 488/04 Rev B (May 04) and described in Bioganix's letter of 10 May 2004, shall be removed from the application site before 1st July 2008.

Reason: In the interests of protecting the long term setting of Wharton Court and the two adjoining listed barns, of protecting the long term amenity of local people and visitors of the area, and because any longer use may have adverse environmental effects which would require further consideration.

- 2 - Not later than 1st July 2006 a scheme of work shall be submitted to the Local Planning Authority for their approval in advance in writing for the clearance of all of building 1, the high part of building 4 (i.e. that part not permitted under ref. NC1999/2252/F granted 8 March 2000), the scrubber tanks numbered 1, 2, 3, 4 and 5, the enclosed conveyor, two overhead ducts, the structure between building 4 and odour scrubbing unit No. 1, contents of the bio-filter and associated structures and works shown on plans 488/03 Rev B (May 04) and 488/04 Rev B (May 04) and described in Bioganix's letter of 10 May 2004, shall be removed from the application site before 1st July 2008, and for the restoration of the site to agriculture and to the condition permitted under ref. NC1999/2252/F and the approved scheme shall be fully implemented before 1st July 2008.

Reason: To ensure that the site is cleared and restored in a way which will not adversely affect the setting of Wharton Court, the two adjoining listed barns, the amenities of the local people and visitors to the area or the interests of the River Lugg SSSI/cSAC.

- 3 - Not more than 12,000 tonnes of material shall be imported into this site in connection with the development hereby permitted during any 12 month period.

Reason: In the interests of protecting the long term setting of Wharton Court and the two adjoining listed barns, of protecting the amenity of local people and visitors of the area and because any longer use may have adverse environmental effects which would require further consideration.

- 4 - A12 (Implementation of one permission only)

Reason: In the interests of protecting the long term setting of Wharton Court and the two adjoining listed barns, of protecting the long term amenity of local people and visitors of the area and because any longer use may have adverse environmental effects which would require further consideration.

- 5 - E02 (Restriction on hours of delivery)(standard hours)

Reason: To safeguard the amenities of the locality.

- 6 - E06 (Restriction on Use)(use as a pilot plant for the accelerated composting of organic material until 1st July 2008)(B2)

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

- 7 - Not later than 1st October 2004 a scheme for the provision of surface water drainage works and surface water regulation shall be submitted to the Local Planning Authority for their approval in writing. The approved scheme shall be implemented in full not later than 3 months after its approval in writing. No other impermeable surfaces draining into the approved system shall be constructed.

Reason: To prevent the increased risk of flooding.

- 8 - F25 (Bunding facilities for oils/fuels/chemicals)

Reason: To prevent pollution of the water environment.

- 9 - F28 (No discharge of foul/contaminated drainage)(standard reasons and to protect the interests of the SSSI/cSAC)

Reason: To prevent pollution of the water environment and to protect the interests of the SSSI/cSAC.

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

Reason: To safeguard local amenities.

- 11 - F34 (Restriction on level of illuminance of floodlighting)(after 'boundary' add 'and in the interests of highway safety')

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

- 12 - F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

- 13 - F42 (Restriction of open storage)(after material add 'including any material intended for composting')

Reason: To protect the appearance of the locality and the setting of Wharton Court and the two listed barns and to protect the amenities of local people and visitors to the area.

- 14 - Not later than 24 hours after any request in writing from the Local Planning Authority the site shall be swept clean of any and all litter or waste material.

Reason: To protect the appearance of the locality and the setting of Wharton Court and the two listed barns and to protect the amenities of local people and visitors to the area.

- 15 - Not later than 31 days after any request in writing from the Local Planning Authority, as advised by the Council's Environmental Health Officer, a noise monitoring scheme shall be submitted to the Local Planning Authority for their approval in writing. The submitted scheme shall include:

- Noise monitoring locations
- Method and frequency of measurement in accordance with BS4142 1997
- Presentation of results and their interpretation within 7 days of measurement and
- Procedures to be adopted if noise levels go above 5d BA LAeq above background levels

Reason: To protect the amenities of local residents.

- 16 - All vehicles containing untreated material for composting or treated compost shall be sheeted with a tarpaulin when within the application site area unless wholly within one of the buildings hereby permitted for this use.

Reason: To protect the amenities of the local residents.

- 17 - With the exception of the external bio filter the general building structure and ventilation of the development hereby permitted shall be designed to contain fugitive emissions and prevent their escape into the open air. To achieve this the ventilation system shall be suitable and sufficient to maintain negative air pressure at all times other than when the doors to the process buildings are open.

Reason: To protect the interests of residential amenity.

- 18 - All doors shall be kept firmly closed when not in use.

Reason: To protect the interests of residential amenity.

- 19 - Not later than 1st July 2005 details of the provision to be made for an owl nesting box within 400 metres of the application site together with details of the timing of its erection shall be submitted to the Local Planning Authority for their agreement in writing.

Reason: In order not to disturb or deter the nesting or roosting of barn owls.

- 20 - Not later than 31st August 2005 a scheme to ensure that water voles are not poisoned by the use of vermin control measures on site shall be submitted to the Local Planning Authority for their approval in writing.

Reason: In order to protect water voles.

- 21 - Not later than 1st July 2005 a scheme for the erection of a sign reading 'No left turn' to be erected at the junction of the exit road leading to the A49 and the B4361 for the instruction of drivers leaving the site shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details not later than 28 days of their approval in writing.

Reason: To direct traffic onto the primary road network.

- 22 - Not later than 3 months of any request in writing by the Local Planning Authority as advised by English Nature a scheme for the enhancement of the biological water treatment capacity of the drainage ditches between the application site and the River Lugg shall be submitted for the approval by the Local Planning

Authority in writing and the approved scheme shall be implemented in full within 3 months of its approval in writing.

Reason: In order to protect the nature conservation interests of the River Lugg SSSI/cSAC.

- 23 - Unless otherwise agreed in writing in advance only enclosed conveyors or pipework shall be used to transport materials between the buildings on site.**

Reason: To prevent pollution of the water environment and to protect the interests of the SSSI/cSAC and to protect the amenities of local residents.

- 24 - A structural and condition survey of Wharton Court and the two Listed Barns shall be undertaken in accordance with the Royal Institute of Chartered Surveyors' current good practice advice and submitted to the local planning authority for their approval not later than 1st July 2006. The submitted survey shall contribute to the understanding of the construction and development of these buildings and identify areas at risk as a basis for ensuring their protection and repair.**

Reason: To safeguard the character, appearance and stability of the three Listed Buildings adjoining the site.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNW2004/0080/O - SITE FOR THE BUILDING OF A REPLACEMENT PRIMARY SCHOOL ON LAND BELONGING TO BLISS HALL FARM, STAUNTON-ON-WYE. (OS: 3625/4505)

For: Governors of Staunton-on-Wye Primary School per Property Services Manager, Herefordshire Council Property Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

Date Received:
9th January 2004

Ward:
Castle

Grid Ref:
36255, 45058

Expiry Date:
5th March 2004

Local Member: Councillor John Hope

Introduction

This application was deferred at the meeting of the Northern Area Planning Sub-Committee in order to ensure that all interested parties were fully aware of the date of the meeting and their right to speak. A site visit took place on 4 May 2002.

The attached report has been revised to take account of additional information received in the intervening period.

1. Site Description and Proposal

- 1.1 The application site comprises an irregularly shaped 1.5 hectare piece of sloping agricultural land which is located on the north side of the A438 and the western edge of Staunton on Wye. Its southern boundary with the A438 is defined by a mature hedgerow which partially obscures the elevated nature of the site and the remaining agricultural land to the west. Immediately to the east of the application site are the rear gardens of a total of 6 existing dwellings (outline permission exists for a further property between Brigadoon and Linton). This boundary is defined by a drainage ditch and a combination of hedgerow and domestic fencing. The northern boundary is again defined by established hedgerow with an existing field gate. In addition to the hedgerow the northern boundary is defined partly by the C1090 which links Staunton on Wye to the A438 to the west and partly by a public footpath (known as Coffin Lane) which also provides vehicular access to a number of dwellings beyond and to the north of the footpath.
- 1.2 The site lies entirely outside the settlement boundary for Staunton on Wye which is defined by the garden curtilages of the properties which bound it. The existing agricultural land is classified as high quality, Grade 1, land and its open sloping characteristics are most readily viewed from an elevated position on Tin Hill to the south-west where it can be seen in conjunction with the existing residential properties

and the commanding Grade II listed Staunton on Wye School which accommodates the Staunton on Wye Endowed Primary School.

- 1.3 Whilst the main views into the site are from the Area of Great Landscape Value, the site itself is not designated as such with the existing boundary being on the southern side of the A438.
- 1.4 Outline planning permission is sought for the provision of a new primary school on this 1.5 hectare plot of agricultural land to replace the existing school housed at Staunton on Wye School. All detailed matters relating to external appearance, siting, means of access, design and landscaping have been reserved for future consideration but indicative site plans and landscaping proposals have been submitted in the form of a Supporting Statement which is accompanied by a Transport Assessment and drainage information.
- 1.5 The indicative plans indicate that access would be derived from the C1090 at a point directly opposite Doctors Pool Cottage requiring the removal of approximately 65 metres of hedgerow. This vehicular access would serve a combined parking and turning area. The school facility would comprise a total footprint of 1325 metres² with a further 425 metres² of hardsurfaced play area and 1650 metres² of playing field. The proposed new primary school would have the capability of accommodating a theoretical total of 90 pupils (3 classrooms) taking the form of two individual buildings of 725 metres² and 600 metres² respectively.
- 1.6 Pedestrian and bicycle access would be derived via the existing footpath (Coffin Lane). The specific details of the extent and surfacing of this access remain to be resolved.
- 1.7 The proposal is not of a scale that would necessitate an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999 although a pre-application Screening Opinion identified that landscape impact, drainage and access were of particular significance in the assessment of this outline proposal.

2. Policies

Government Guidance

PPG1 – General Policy and Principles

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

PPG13 – Transport

PPG15 – Planning and the Historic Environment

PPG24 – Planning and Noise

Hereford and Worcester County Structure Plan

Policy T.7 – Role of Traffic Management

Policy T.15 – Pedestrians and Cyclists

Policy CTC.3 – Nature Conservation

Policy CTC.6 – Landscape Features

Policy CTC.9 – Development Requirements

Policy CTC.12 – Improving Wildlife Value

Policy A.1 – Development on Agricultural Land

Leominster District Local Plan (Herefordshire)

Policy A.1 – Managing the Districts Assets and Resources
Policy A.2(D) – Settlement Hierachy
Policy A.7 – Compensatory Measures for Habitat Loss or Damage
Policy A.8 – Improvements to or Creation of Habitats
Policy A.9 – Safeguarding the Rural Landscape
Policy A.12 – New Development and Landscape Schemes
Policy A.13 – Pollution Control
Policy A.14 – Safeguarding Water Resources
Policy A.15 – Development and Water Course
Policy A.16 – Foul Drainage
Policy A.18 – Listed Buildings and their Settings
Policy A.24 – Scale and Character of Development
Policy A.25 – Protection of Open Areas or Green Spaces
Policy A.41 – Protection of Agricultural Land
Policy A.54 – Protection of Residential Amenity
Policy A.61 – Community, Social and Recreational Facilities
Policy A.66 – Access for the Disabled
Policy A.70 – Accommodating Traffic from Development
Policy A.71 – Vehicle Parking Standard
Policy A.75 – Design of Vehicle Parking Areas
Policy A.77 – Traffic Management
Policy A.78 – Protection of Public rights of Way

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 – Sustainable Development
Policy S2 – Development Requirements
Policy S6 – Transport
Policy S7 – Natural and Historic Heritage
Policy S11 – Community Facilities and Services
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy DR3 – Movement
Policy DR4 – Environment
Policy DR13 – Noise
Policy DR14 – Lighting
Policy T6 – Walking
Policy T7 – Cycling
Policy T8 – Road Hierarchy
Policy T11 – Parking Provision
Policy T14 – School Travel
Policy T16 – Access for All
Policy LA2 – Landscape Character and Areas Least Resilient to Change
Policy LA3 – Setting of Settlements
Policy LA5 – Protection of Trees, Woodlands and Hedgerows
Policy LA6 – Landscaping Schemes
Policy NC1 – Biodiversity and Development
Policy NC7 – Compensation for Loss of Biodiversity
Policy NC8 – Habitat Creation, Restoration and Enhancement
Policy HBA4 – Setting of Listed Buildings
Policy HBA9 – Protection of Open Areas and Green Spaces
Policy CF2 – Foul Drainage

Policy CF5 – New Community Facilities

3. Planning History

None relevant.

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition is imposed:

Prior to the commencement of any development, a scheme for the provision and implementation of surface water limitation shall be submitted to and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the plans and timetable approved by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with Planning Policy Guidance Note 25 Development and Flood Risk (PPG 25).

The Agency has no objection to the proposals for the disposal of surface water using SUDs, Greywater recycling, ensuring that the existing Greenfield runoff rate is not exceeded.

It is the responsibility of the Local Authority to agree the surface water disposal proposals for the site.

- 4.2 Sport England welcomes the intention to provide improved sports facilities for the benefit of the children and the local community. This intention would be supported by government policy for the dual use of school facilities.

Whilst recognising that this is an outline application the illustrative details give concern and do not suggest that the sports facilities would be of benefit to the local community.

The pitch shown is adequate for children up to ten years in age. It may, however, be too close to the new buildings to overcome the worry of stray balls causing damage. There should be no trees within the safety run-off margins of 3m at the ends and 4m at the sides. As a general comment the landscaping should be designed to allow light onto the pitch and prevent problems from leaves.

This pitch for use by the community would be 90m x 45m plus the safety margins. The preferred orientation is around the north south axis. Young children would play across the senior pitch. The value of providing a pitch for community use does of course depend on the need in the area.

My experience from other schools is that they are unhappy, for security reasons, with having playgrounds in front of the school buildings where young children can be watched. On a sceptical note these frontage playgrounds often turn into car parks and lead to requests to hardsurface part of the grass field as a new playground. Locating hard and soft play areas together, particularly on restricted sites, can have benefits in terms of general playspace, particularly for ball games.

It would seem that the site could be capable of accommodating a grass pitch for community use if redesigned. The access design is requiring a lot of space and potentially if this were redesigned the whole of the rectangular part of the site could become available for the buildings and a sports field with a full size pitch.

Finally, I would suggest that Planning Policy Guidance Note 17 is also relevant to the consideration of the application. The Planning Objectives draw attention to the ways in which open space, sport and recreation underpin the quality of life. The Guidance stresses the need for assessments of local needs and opportunities and advises on planning for new facilities. It would be regrettable if the opportunity were not taken as part of this scheme to consider the opportunity to address any local sport and recreation needs.

- 4.3 Welsh Water raise no objection subject to conditions relating to restricting the treatment of foul and surface water drainage from the site.
- 4.4 Commission for Architecture and the Built Environment make no comment.

Internal Council Advice

- 4.5 Head of Engineering and Transportation states as follows:

"The proposals are acceptable in principle and technical details within the Transport Assessment are broadly accepted. Junction visibility splays are acceptable, however the splay to the left results in the loss of a large amount of hedgerow. A preferable option may be to locate the access to a point further east, within the layby, which would reduce the amount of hedgerow lost. Parking areas would then lead off the access road left and right.

A cycle audit of the proposal has been undertaken, which requires that at least 10 cycle spaces are provided, with the potential to provide more if required.

It is noted that there are no proposals to provide a school bus service. It is recommended that the potential for such services is investigated further, particularly in view of the increased pupil numbers."

- 4.6 Head of Environmental Health and Trading Standards raises no objection.
- 4.7 Public Rights of Way Manager raises concerns with respect to the proposed alterations to the surface and character of the public footpath SY10 (Coffin Lane). It is considered that a fully surfaced and lit footpath would be inappropriate in this setting.
- 4.8 Chief Conservation Officer comments that having regard to other sites local to the village of Staunton on Wye, the proposed site would have the least environmental problems associated with its development. A number of landscape issues are raised which can be summarised as follows:-
 - a) a broader area of planting is required along the western boundary and within the southern part of the site as well as between and adjacent to the school buildings
 - b) the access will destroy 65 metres of mature species of hedgerow and the potential for reducing this loss should be considered. The access could be moved further east to effect a less visually important and thinner part of the hedgerow

- c) the width and surfacing of the proposed cyclepath needs to be carefully controlled in order to limit the damage to the existing hedgerow
- d) the proposals for the wild flower meadow are applauded but the practicality of achieving this in view of the land being cropped and with a high nutrient content will need to be considered. Details of the methods proposed for reducing the soil fertility and establishing a management plan for the wildflower area must be agreed
- e) careful attention must be given to avoid light pollution
- f) the footways alongside the car park are excessively wide and the design of roadways needs to be carefully designed to reflect the rural character of the area.

Furthermore, it is recommended that detailed ecological/habitat survey work will need to be undertaken and a detailed landscape and nature conservation management/mitigation plan submitted for formal consideration. This should incorporate issues such as wetland habitat enhancement, the conservation and enhancement of the existing and retained hedgerows and the planting of wildflowers. If appropriate it could include a bird box and feeding station scheme, a bat box scheme incorporating a bat loft in the main school building and artificial refugia for amphibians and reptiles.

- 4.9 Chief Forward Planning Officer comments that Policy A2 of the Leominster District Local Plan (Herefordshire) does allow for the development of a community building in the countryside if it is in accordance with Policy A61. Policy A61 permits a development that meets criteria set out in the policy providing it is of an appropriate scale, character and location. As the site is located on agricultural land it will have to meet the requirements of Policy A41 that protects the best and most versatile agricultural land. Although the land is Grade 1 there are no alternatives as all the land around the settlement is also Grade 1. If the application meets the requirements of Policy A61 then there is no policy objections to the principle of a school development on this site.

5. Representations

- 5.1 A total of 18 letters of representation have been received from local residents in response to the initial consultation. The comments/concerns raised can be summarised as follows:
- a) sufficient room at existing school and adjoining orchard to provide new school
 - b) additional traffic in proximity to junction used by buses, HGV traffic and doctors surgery
 - c) proposed 7 metre high hall could be much taller
 - d) field is approximately 2 metres above garden levels - school buildings will be dominant and destroy outlook from neighbouring properties
 - e) light pollution associated with security/parking - out of character since Staunton on Wye does not have streetlights
 - f) development of existing school site with access from A438 preferable to loss of Grade I agricultural land
 - g) retired people live in many of the properties neighbouring the site and will be affected by noise through the day. Proposed site affects back gardens which is worse than the current arrangements
 - h) proposed landscaping/fencing will be overbearing - sense of enclosure

- i) serious concerns over proposed sustainable drainage system and its effect on existing drainage and the environmental implications of such a system
- j) proposed access is dangerous with cars travelling at excessive speed
- k) access conflicts with on-street parking used by doctors surgery traffic
- l) larger school will mean more traffic and therefore greater threat to highway safety
- m) access via Coffin Lane is very limited - pedestrian and cycle traffic would conflict with existing vehicular rights of way. Surfacing of lane would result in loss of hedgerow and exacerbate flooding problems.
- n) loss of Grade I agricultural land and threat to viability of owner of the farm land
- o) loss of ancient hedgerows and habitat for birds and wildlife
- p) details of lighting design needed
- q) proposed school is too big for local need and as such loss of agricultural land and encroachment into countryside policies should be given greater weight
- r) re-use of existing sites has not been properly considered and proposed development would result in gross over provision of educational need when set against decline in need over next 20 years
- s) traffic monitoring exercise inappropriately carried out. Is pre-school activity included? No monitoring outside the main entrance to the school or along the narrow lane that provides access.
- t) inadequate parking on site will result in worse problems
- u) speed or traffic has been underestimated.

5.2 A signed petition objecting strongly to the proposal was received on 10 February 2004. The petition has a total of 105 signatories.

5.3 Staunton on Wye Parish Council state:

- 1) The Parish Council supports the need for a replacement school.
- 2) The general opinion of the members of the public was that the site is not suitable due to:

i) Effect on traffic

The effect on the traffic in the village road at the north end of the site has been underestimated.

The traffic survey had not been done at the most appropriate points. Allowance has not been made for the use of the 'layby' as an overflow carpark for the Doctor's Surgery, nor for residents who for many years have used the ROW for access to their garages at the rear of their properties.

The road junction at this point would need to be improved.

Overall, the increased traffic movement would be a serious danger to children and parents walking to school.

ii) Proximity to local residents

The proposed school buildings are too close to bungalows particularly those opposite the present school. The local residents will not only lose their visual amenities but will be affected by noise. This will be worse than at present

Most of the residents are elderly and so will be at home during the busy times.

The proposals for tree planting will result in loss of light into these properties, and together with a high fence the residents feel that they will be hemmed into their properties.

iii) Drainage

This site is known for its bad drainage and the proposal will add to this problem.

3) The Parish Council shares these views.

5.4 Brobury and Mornington Parish Council state:

“With respect to the proposed footpath/cycle way:-

Have the planners taken into account of a spring in this area which has been known to cause flooding to Wisteria Cottage and Corner House ?

Concern about danger to children speeding out on cycles and, maybe, skate boards going straight on on to the road. Suggest a staggered fence at each end rather than a bollard.

Parish Council’s comments on original application still apply.”

5.5 A further two responses have been received following a reconsultation on additional traffic related information and a possible design for the proposed cycle route. In response the following comments have been made:

- a) position of pedestrian and cycle entrance will still lead to conflict with private individuals leaving their properties via Coffin Lane
- b) entrance point should be moved further to the east which will avoid risk of collisions
- c) is it necessary to tarmac the pathway
- d) remains a mystery why this site was selected when it involves compulsory purchase and there is some 11,500 metres 2(squared) space available at the existing site
- e) opposed to all plans for new school on Bliss Hill Farm land
- f) don't want more concrete/tarmac with associated loss of good land
- g) land has been offered at the school
- h) trying to get land for nothing whilst we can't build on the land
- i) school should be built near church which would have a good influence on children

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

6. Officers Appraisal

6.1 This outline application seeks planning permission for the relocation of the existing primary school from its established site at the Grade II listed school building to a 1.5 hectare strip of Grade I agricultural land which lies outside, but is immediately adjacent to the settlement boundary for Staunton on Wye.

6.2 The application has proven to be a highly controversial one as is evidenced by the strength of opposition, which is primarily directed towards the choice of site, although a significant number of more detailed issues have arisen. It is advised at this stage that this outline proposal reserves matters relating to siting, means of access, external appearance, design and landscaping for future detailed consideration should this permission be granted.

- 6.3 It is considered that the main issues for consideration in the determination of this application are as follows:
- a) The principle of relocating the existing school facility including the justification, site selection criteria and the loss of Grade I agricultural land;
 - b) The visual and ecological impact of the proposal upon the character and appearance of the site and surrounding countryside;
 - c) Traffic and access related issues;
 - d) Impact on residential amenity and
 - e) Foul and surface water drainage arrangements.

The Principle of Relocation

- 6.4 Policy A2(D) of the Leominster District Local Plan (Herefordshire) established a strong presumption against development in the open countryside but does, in exceptional circumstances, allow for the provision of a community, social or recreational facility (such as a primary school) subject to compliance with Policy A.61 of the Local Plan. Policy A.61 requires proposals to meet the normal criteria associated with development proposal such as providing safe access but also requires consideration of the appropriateness of the scale in relation to the needs of the local community whilst ensuring that the character of the location is preserved and the site is well related to the settlement that would be served by the facility.
- 6.5 In the first instance it is necessary to consider the need for the new facility, which in this case results from the serious physical shortcomings of the existing school building and grounds. Particular reference is made to the three-storey nature of the existing school which fails to meet disabled access standards, the limited size of classrooms, other resource areas and play areas which do not meet the space requirements of the School Premises Regulations, the building is difficult to ventilate and it has been advised that lighting is below guidance levels. Furthermore the layout of the school makes it difficult to adequately secure and monitor the various points of access and parking provision is very poor with limited facilities for parents. The capacity of the school falls below current government requirements and the listed status of the building make its internal and external alteration more onerous and unfeasible.
- 6.6 On this basis, it is considered that the case for an improved replacement facility exists and having regard to the majority of comments received from local residents it is not the principle of a new primary school but rather the choice of site, which is the source of concern.
- 6.7 This said, reference has been made to the wider educational need for a larger school facility with particular respect to the trend of falling school roles. This definition of need is one determined by the Local Education Authority and not one that can carry significant weight, as a material consideration in a planning decision. The size of the proposed school is established by Government standards and as such unless the size of the school building has specific planning implications; it would not be reasonable to recommend the refusal of permission based upon this wider definition. It is a stated intention that the school would have a maximum capacity of 70 pupils and would, in all likelihood, continue to provide a pre-school facility, as is currently the case.
- 6.8 In terms of site selection, a number of alternative locations have been considered and ruled out due to their isolated positions, access problems and landscape impact. There are no sites that lie within the settlement boundary of the village and as such the visual and physical relationship to village edge has been an important factor. Three

sites emerged with potential and include Rhydwr Farm opposite the village hall, which benefits from a residential permission ruling out its viability, a site incorporating the existing school grounds to the east and the application site itself. It is clear that the redevelopment of the existing school site is the option strongly supported by the local community.

- 6.9 The existing school site has a number of constraints which include the area of land that can be made available (although this has been challenged by local residents who have indicated that approximately 1.15 hectares is available at the existing school); the serious implications associated with developing within the setting of the listed school, which the Chief Conservation Officer has advised would not be supported in view of its detrimental effect on the building and the important spatial qualities which define the character of the associated conservation area; the limited width of the access and the unsuitable cul-de-sac form that would result. Development costs associated with the removal of power lines and earth levelling are referred to although these are not regarded as significant problems. Finally on this site, the development of a new facility could have serious implications for the viability of seeking alternative uses for the listed building (a factor that must be given due regard according to paragraph 2.16 of PPG15 Planning and the Historic Environment).
- 6.10 The development of the existing school site would clearly have less implications for development beyond the village settlement boundary whereas the proposed option would involve development wholly outside the boundary. A fundamental constraint of the application site is its Grade I Agricultural Land classification, which has greater implications in view of the amount of land involved. The owner of the site is strongly opposed to the loss of the land in terms of its economic viability. In this case it is considered that if approved, this proposal would represent a unique one-off development that would not result in additional pressure for the loss of more agricultural land and although a difficult balance to strike, the local need for the improved school facility is considered to be greater than the benefits of retaining this 1.5 hectare site in agricultural use. It is advised that all the agricultural land surrounding the village has the same Grade I classification and as such there is no obvious alternative location that would address this policy constraint.
- 6.11 The view in this instance is that if the need is accepted, the loss of the agricultural land would not necessarily be a ground for refusal under the terms of Policy A.41 of the Local Plan.

Landscape/Ecological Impact

- 6.12 The application site, in terms of the wider effect of its development, can be viewed from Tin Hill to the east, which rises from its junction with the A438. From this vantage point, the openness of the site is appreciated but so to is its close visual relationship with the existing properties on the edge of the village and more significantly the existing school building, which dominates the local landscape. It is acknowledged that this site will have an impact upon the site and surroundings but the view is that if the need for this facility is proven, the application site represents the most viable option and the scheme allows for the introduction of additional landscaping along the site margins to facilitate its integration into the area to an acceptable level. Careful treatment of the design and materials will need to be given at the reserved matters stage in order to maximise the planting area and ensure that an appropriate pallet of materials is used within a layout that will seek to break up the visual mass of the complex.

- 6.13 More locally, the indicative access proposals would necessitate the removal of approximately 65 metres of hedgerow along the northern boundary of the site. The loss is regrettable but would be reduced by a repositioning of the main point of access (an issue accepted by the Head of Engineering and Transportation) further eastwards bringing into line with Pool Cottage. A replacement hedgerow including tree planting would be planted along the visibility splay and although it would clearly take time to establish itself it would ultimately compensate for the loss.
- 6.14 The ecological value of this hedgerow and the site as a whole is stressed by the Chief Conservation Officer. In this case it is recommended that if outline permission is granted, a full ecological assessment including measures for mitigation and habitat creation in the form of a management plan should be carried out. This requirement can be controlled by way of a condition and the intention would clearly be to document any other ecological value on the site as a whole.
- 6.15 The indicative shared pedestrian/cycle path has potential implications for the remaining hedgerow along the northern boundary. The concern is that the surfacing of a 2.5 metre wide path could undermine the hedgerow and as such the recommendation is that the point of access is changed in order to reduce this pressure. This incidentally would overcome a concern of a local resident regarding potential collisions between cyclists and cars using the right of way along the footpath.
- 6.16 The landscape impact of lighting and road surfacing would be controlled by conditions with the emphasis on limiting the effect on the rural character and appearance of the site and surroundings.
- 6.17 Having regard to the need for the school and the limited likelihood of an alternative more appropriate site coming forward it is considered that the potential landscape and ecological impact can be overcome although there will inevitably be an initial effect until planting becomes established.

Traffic and Access

- 6.18 A Transport Assessment has been submitted and further amended following concerns raised about the methodology of the survey work. The findings indicate that as a replacement proposal, and having regard to the relatively low traffic speeds and low injury accident record, there would be no issues relating to road and junction capacity resulting in a measurable increased threat to the safe use of the local road network. The opportunity to provide improved parking facilities including pick up/drop off arrangements has been utilised which together with appropriate warning signs would result in an improvement to the current situation which results in congestion on the main road at peak times.
- 6.19 The issue of traffic generation and highway safety is clearly and quite rightly a cause for local concern but in this case the assessment, which has been considered and endorsed by the Head of Engineering and Transportation, demonstrates that the new primary school could be satisfactorily accessed via the position shown on the indicative layout plan. It is also advised that the traffic generated by the pre-school facility has been assessed and considered acceptable in these terms.
- 6.20 The finer detail of the design and surfacing of the shared pedestrian/cycle path including how it accesses the school site will require further consideration in conjunction with the Public Rights of Way Manager, Chief Conservation Officer and

local residents affected by this part of the proposal and can be reserved for final approval. It is considered that an acceptable compromise can be struck and as such a condition is appropriate.

- 6.21 The application incorporates a framework for a Green Travel Plan, which has and will continue to be refined in consultation with the Head of Engineering and Transportation. The site although on the edge of the village remains accessible by a range of transport modes and the emphasis will continue to be on the reduction of private car use and further discussion regarding bus provision in particular. Secure cycle facilities would be provided and controlled by way of a condition.

Residential Amenity

- 6.21 It is recognised that the established outdoor activities associated with the existing school are an accepted part of life for those people living in close proximity and furthermore that an increase in the number of children and the relocation of the school could change what has become the norm in Staunton on Wye.
- 6.23 The main issue raised so far as noise impact is concerned relates to the proposed school site and its relationship to the rear gardens of properties to the east. Emphasis is placed on the fact that people expect a greater privacy and tranquillity in their rear gardens and also that the current situation is one where fewer residents are affected in this manner. Furthermore it is clear that most residents in the immediate vicinity have retired and as such would be affected during normal school hours.
- 6.24 PPG24 – Planning and Noise advised that housing and school sites are noise-sensitive developments and accordingly advice has been sought from the Head of Environmental Health and Trading Standards. It is considered that the level of activity will be limited to a relatively short duration between the hours of 0900 and 1530 and although the occasional event during the evening is a realistic assumption to make, it is not considered that demonstrable harm to the amenities local residents will occur. This view is shared by the Head of Environmental Health and Trading Standards who raises no objection to the proposal following his visit to the site.
- 6.25 The points raised about the extent of lighting and the effect of fencing and landscaping upon the immediate neighbours have been recognised and attention will be given to these issues pursuant to conditions should the outline permission be granted.

Drainage

- 6.26 Foul drainage would be discharged to the existing mains sewer leaving the potential implications of increased surface water run-off as a key concern having regard to the known problems with existing private arrangements at neighbouring properties. The volume and quality of surface water run-off was identified at the “Screening Opinion” stage and as such proposals have been provided with this outline application. It is acknowledged that there is the potential for saturation of the southern end of the site with its attendant problems with the flooding of the A438, the drainage ditch and the rear gardens of immediately neighbouring properties. A range of potential mitigation measures have been identified which include ‘greywater’ recycling from the roof of the school and a balancing pond, soakaways, filter drains and infiltration trenches, a range of which could be adopted to reach the required discharge rate.
- 6.27 The Environment Agency have assessed the details provided with the application and are satisfied that appropriate measures can be taken to limit surface water

drainage/contamination to an acceptable level. A condition attached at this stage would enable the final design to be agreed in a timely manner.

- 6.28 Welsh Water raise no objection to the proposal subject to the effective separation of foul and surface water and restrictions on surface water entering the public sewerage system.

Conclusion

- 6.29 In essence the determination of this application must initially relate to the strength of the justification for a new school. The shortcomings of the existing school buildings have been identified and the Government set parameters for the size of any new school facility are beyond the control of the local planning authority. Furthermore the Local Education Authority is clear in its support for the educational need for a larger and better equipped school. It therefore falls to the local planning authority to assess the acceptability of the submitted proposal against a number of key criteria, which have been identified in the appraisal.
- 6.30 There is clear support for retaining a primary school in the village and on balance and having regard to the merits of the case submitted and the limited likelihood of an acceptable alternative site being pursued, it is considered that supporting the proposal with appropriate conditions would best serve Herefordshire Councils policy for strong support for small village schools.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

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

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

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

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

- 3 - A04 (Approval of reserved matters)**

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

- 4 - A05 (Plans and particulars of reserved matters)**

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

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

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

- 6 - F32 (Details of floodlighting/external lighting) (details of time limitations, level of illuminance, light shelling and the angle of floodlights)

Reason: To safeguard local amenities.

- 7- F48 (Details of slab levels)(buildings, hardstanding areas and playing field)

Reason: To ensure that the impact of the development upon the character and appearance of the site, surroundings and the immediately neighbouring properties is minimised.

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

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

- 9 - G06 (Scope of landscaping scheme) (Condition 3)

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

- 10 - A full ecological assessment of the site and the surrounding hedgerows shall be undertaken prior to the submission of any reserved matters application and shall include details of mitigation measures and proposals for habitat creation and enhancement within and around the site. The approved details shall be carried out prior to, or commensurate with the development of the site, whichever is appropriate, and thereafter retained in accordance with a landscape and nature conservation plan for the site.

Reason: To ensure that the nature conservation interest of the site is elevated and protect where necessary.

- 11 - H03 (Visibility splays)(4.5 metres) (70 metres)

Reason: In the interests of highway safety.

- 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.

- 14 - H27 (Parking for site operatives)

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

- 15 - 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.

- 16 - Prior to the commencement of the use of the school hereby approved, the full details of the Green Travel Plan together with measures for monitoring its effectiveness shall be submitted to and approved in writing by the local planning authority. The document shall be maintained and kept available for inspection by the local planning authority upon request and all reasonable improvements agreed in writing shall be incorporated into the Green Travel Plan.

Reason: To ensure that a range of sustainable transport alternatives are available and promoted users of the site in accordance within sustainable objectives of Herefordshire Council and Central Government.

- 17 - The details of the design, extent and surfacing of the shared pedestrian and cycle path shall be submitted for consideration and the reserved matters stage. The approved details shall be carried out prior to the commencement of the use of the school and thereafter maintained.

Reason: To ensure that a locally acceptable and safe pedestrian and cycle access is provided.

Informative(s):

- 1 - HN1 (Mud on highway)
- 2 - HN2 (Public rights of way affected)
- 3 - HN3 (Access via public right of way)
- 4 - HN5 (Works within the highway)
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

Local Member: Councillor R Manning

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

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

The previous report is as follows:

1. Introduction

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

2. Policies

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

Hereford and Worcester County Structure Plan

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

Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside

Herefordshire Unitary Development Plan (Deposit Draft)

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

3. Planning History

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

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

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

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport recommends conditions.

5. Representations

5.1 Castle Frome Parish Council raise no objections.

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

The main points raised are:

- a) When I purchased my property I was informed that the play area was identified when a house was refused on it.
 - b) The size of the house outlined on the plot appears excessive in relation to the plot and other houses.
 - c) This will enclose the only open space in this development.
- 5.3 The applicants have submitted the following information in support of their approval.
- a) The whole site of this development was used for an agriculture engineering business until February 1999.
 - b) The site of the proposed dwelling no. 5 Forge Courtyard, is the area on which an old timber framed barn stood until destroyed by fire a few years ago. Subsequently a metal framed agricultural building occupied the site.
 - c) We have submitted plans for a play area nearby.

- d) The original planning consent was for 5 dwellings i.e. two new houses and the conversion of the Cider Mill into two dwellings and the Forge into one. We are now, with planning approval, converting the Cider Mill into one dwelling; therefore the proposed new house will be the fifth dwelling in the site.
 - e) The access is suitable.
 - f) The number of vehicles using the area when planning is granted for this house, will be far less than the traffic generated when the site was used as an agricultural workshop.
 - g) The sewage system installed large enough to receive the waste from the proposed house.
 - h) There is obviously a need for this kind of property in Canon Frome; the first house built was sold very soon after it was marketed. The second property sold shortly afterwards, before building work started.
 - i) There is a development containing 7 large houses to the north of our site.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This planning application has been submitted following investigation by the Council's Enforcement Section. Condition no.4 attached to the planning permission for re-development of the former agricultural engineering works required that details for equipment on the play area are submitted prior to the commencement of the development.
- 6.2 Planning permission was originally granted on this site for its re-development on December 2000, the plans for which had been amended during its processing by removal of a house on this site and inclusion of a play area. The applicant is now seeking to re-instate the house and move the play area to the rear of the new house away from the development it was proposed to serve. In addition no access way is proposed to the play area which would be land locked. Furthermore as the site is outside of any settlement boundary as identified by the Malvern Hills District Local Plan its development for housing is contrary to both local and national planning policies and advice contained in Planning Policy Guidance Note 3 and Planning Policy Guidance Note 7.

RECOMMENDATION

That planning permission be refused for the following reasons:

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNE2004/1160/O - SITE FOR ERECTION OF SINGLE DWELLING AT LAND WEST OF ACCESS TO MILLFIELDS, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG

For: Mr & Mrs D E Millington-Jones Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW

Date Received:
31st March 2004

Ward:
Frome

Grid Ref:
64777, 43253

Expiry Date:
26th May 2004

Local Member: Councillor R Manning

1. Introduction

This rectangular shaped plot is located on the western side of Millfields, Canon Frome. The proposal is to develop the site with one dwelling. The land is presently being used for the storage of timber. Residential development adjoining the eastern boundary with open countryside to the west.

2. Policies

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

Department of Environment Circular 2/93 – Public Rights of Way

Hereford and Worcester County Structure Plan

Policy H16A – Housing in Rural Areas
Policy H20 – Housing in Rural Areas
Policy CTC9 – Development Requirements
Policy CTC16 – Eyesores

Malvern Hills District Local Plan

Housing Policy 7 – Housing in the Countryside Outside of Settlements
Employment Policy 5 – Safeguarding Employment Land and Buildings

3. Planning History

NE2002/3349/F – Proposed 2-storey dwelling. Withdrawn.

NE2003/2373/U – Certificate of Lawful Use or Development for use of land for storage of timber up to a height of 1.5 metres. Approved 17th October 2003.

NE2003/3694/V – Certificate of Lawful Use or Development for use of land for the open storage of motor vehicles (not in excess of 1.5 metres in height) in Class B8. Approved 2nd February 2003.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Head of Engineering and Transport has no objections.

5. Representations

5.1 Canon Frome Parish Council comments as follows: “We feel that any development on this site must be carefully planned to blend into the area and that design and materials are paramount. We recommend that the applicant builds a small two-bedroom house or a bungalow and not a large exclusive-style house which would require too much ground area on this small plot.”

5.2 Malvern Hills District Footpath Society and The Ramblers Association have submitted the following observations:

‘Although this is a narrow site, it should be possible at this stage to design and site the proposed dwelling in such a way that the Right of Way remains unaffected along the western edge of the plot. Diversion of the footpath on to the estate road to the west is contrary to Circular 2/93.’

5.3 Four letters of objection /representation have been received from:

Mr G & Mrs S Hill, 1 Forge Courtyard, Canon Frome
Mrs H Morgan, 2 Forge Courtyard, Canon Frome
Mrs D J Davies, Mill House, 1 Millfields, Canon Frome
Mr P R Hayden, 4 Millfields, Canon Frome

The main points raised are:

- a) Reduction in sunlight to adjoining dwellings.
- b) Rural views would be blocked.
- c) Unsuitable due to its size and very narrow shape.
- d) A public footpath runs through the site.
- e) A large electricity pole would need to be moved.
- f) If planning permission is granted a single storey dwelling would be preferred.
- g) Additional traffic would be inevitable.
- h) Concerned at the state and general maintenance of this area.
- i) A sensitive design in keeping with locality to neighbours properties is required.
- j) Concern over drainage.

5.4 The applicant's agent has submitted the following information:

- a) As you are also aware, we sought and obtained Certificate of Lawfulness in this land for its use for storage of timber up to a height of 1.5 metres, and also for the storage of motor vehicles on this land, since such use falls within the same Use Class.
- b) We trust, therefore, that the application will be considered in the light of these lawful use rights and, of course, in particular, the visual and landscape damage such uses (if implemented) would cause.
- c) In our view, this site needs to be seen and assessed in the context of its immediate surrounding and the redevelopment during the last Decade of the former Sawmills and adjoining Industrial site and the 10 dwellings which have replaced those buildings and yard areas.
- d) The current site is located at the entrance cul-de-sac to Hopton Yard and by contrast both with the existing and permitted lawful uses mentioned above the erection of a single storey dwelling here would not only enhance the approach to these dwellings and secure the long term tidying up of this area, but also tie in with the new dwellings and round off this development in a sympathetic and sensitive manner.
- e) We are aware of the presence of a public footpath which crosses the site. If planning consent is granted, then an appropriate Footpath Diversion Order will be sought in order to realign the footpath along the existing cul-de-sac access road.

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

6. Officers Appraisal

6.1 This 'slinget' of land is a leftover from the re-development of the former saw mills site at Canon Frome. A Certificate of Lawful Use of the site as a timber storage yard was granted in October last year and a further Certificate for Lawful Development was granted in February this year for the storage of motor vehicles. Both have a restriction on height of 1.5 metres.

6.2 A strict policy interpretation would be that the site is located in open countryside, outside of any identified settlement boundary where policy restricts development. However, Section 54 of the 1990 Act requires that planning applications are determined in accordance with the development plan unless material consideration indicate otherwise. In this particular instance a refusal would leave an area of vacant wasteland which can be used for any storage use within Class B8 of the Town and Country Planning Use Classes Order. This would be detrimental to the amenity of residents to the east of the site and to the landscape quality of the area. Although 'rounding off' is not a planning terminology this proposal would complete this development. Also the entrance to the Millfields development would be enhanced together with extensive boundary treatments. In time the development site would be assimilated unobtrusively into the rural setting. A single storey development would further limit any impact on adjoining dwellings. Consequently it is considered on this occasion that the material considerations outweigh planning policy.

6.3 Finally, a condition requiring the diversion of the footpath prior to any development on the site would protect the existing route until such time as an alternative footpath is agreed.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - **A04 (Approval of reserved matters)**

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

- 4 - **A05 (Plans and particulars of reserved matters)**

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

- 5 - **H28 (Public rights of way)**

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

- 6 - **All access to the site is to be via the estate road (Millfields) to the east of the site and not access for vehicle or pedestrians shall be permitted directly onto the Class III 1153 road.**

Reason: In the interests of highway safety.

- 7 - **The subsequent submission of Reserved Matters shall provide for a single storey dwelling only.**

Reason: In order to clarify the terms of this permission and reduce impact on the amenity of the area.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNE2004/0241/F - REMOVAL OF CONDITION 7 OF
PLANNING CONSENT MH92/1564 SOMERFIELD
STORES LTD, NEW STREET, LEDBURY,
HEREFORDSHIRE, HR8 2EZ**

**For: Somerfield Stores Ltd per Edmund Kirby India
Buildings Water Street Liverpool L2 0TZ**

Date Received:
20th January 2004
Expiry Date:
16th March 2004

Ward:
Ledbury

Grid Ref:
70938, 37470

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

Members will recall that this application was deferred to enable an update of outstanding breaches at the premises.

The Council's Enforcement Officer has confirmed that the only outstanding breach is the storage of cages etc in the service/delivery yard and this is the subject of this application.

Investigations are continuing regarding the early arrival of delivery vehicles. The objectors have been asked for further information but none have been forthcoming.

The previous report is as follows:

1. Introduction

Somerfield is located on the south side of New Street, Ledbury. Planning Permission is sought to remove condition 7 on Planning Permission MH92/1564 which requires that there shall be no use or storage of trolleys on the adjacent open air service yard. The condition was imposed 'in the interest of environmental health and to protect the residential amenities of nearby residents'. A screen is proposed to be attached to the gates to limit views from New Street. Residential development abuts the boundaries of the Somerfield site.

2. Policies

PPG24 – Planning and Noise

Hereford and Worcester County Structure Plan
Policy CTC9 – Development Requirements

3. Planning History

MH87/595 - Proposed retail supermarket, car-park and service yard - Approved 29 May 1987

MH87/1921 - Application under Section 31A for permission to develop land as retail supermarket, car-park and service yard without need for complying with condition no. 10 of planning permission ref. MH87/595 - Approved 17 August 1987

MH92/1564 - Single storey flat roof extension to rear of existing store over existing service yard, including new roller shutter and fire escape exit door - Approved 1 March 1993

MH93/0982 - Removal of condition nos. 10 and 13 of planning permission ref. MH92/1564 - Approved 27 September 1993

MH90/2317 - Acoustic enclosure to service yard - Approved 14 September 1992

NE99/2914/F - Proposed extension to existing warehouse area - Approved 22 January 2001

NE2003/3338/F – Removal of condition no.6 of planning permission MH92/1564 – Approved 25th February 2004

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Engineering and Transportation Officer recommends a condition to retain turning facilities within the service yard.

4.3 The Chief Conservation Officer raises no objections subject to details of the screen to be attached to the gate.

4.4 The Environmental Health and Trading Standards Officer raises no objection subject to a condition which sets timescale to the use of the delivery yard.

5. Representations

5.1 Ledbury Town Council recommend approval.

5.2 The Campaign to Protect Rural England comments as follows: 'In our view the storage of trolleys in the service yard would add to the present noise and disturbance to neighbours. The trolleys would also obstruct the movement of vehicles and this in turn would add to noise disturbance. The proposal to put screens on the gates would not we think be an effective answer to preserving the issue of amenities because of necessity the gates will be open much of the times to permit the movement of vehicles. We therefore ask the Council to refuse this application.'

5.3 Six letters of objection have been received the main planning points raised are:

- a) The condition was put in place to protect neighbours of Somerfield from excessive noise and it should be retained.
- b) We already suffer from excessive noise levels and this will only increase the situation.
- c) The removal of the condition would lead to increases in noise levels and unsightliness in the yard.
- d) Somerfield made the original application knowing that it would be located within a residential area and they should abide by the conditions originally granted.

5.4 The applicant's agent has submitted the following information:

- a) In order to comply with the spirit of this condition the store has arranged for service trolleys to be uplifted and removed from site on a direct basis each day. This prevents any accumulation of service trolleys in the yard, but a limited number are kept overnight following a delivery until their removal the following day.
- b) It is impossible and unreasonable for Somerfield to comply with this requirement and not to be able to use the service yard for the purpose it was designed. The yard is well screened by a high brick wall.
- c) The service yard area has to be used to accommodate the storage of some service trolleys. The entrance area to the service yard at present is the only point of visibility from the highway. It is proposed to attach a screen to the gate, which will obscure views from the highway into the yard and from dwellings facing the service area on New Street.

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 condition was imposed in the interest of Environmental Health and to protect the residential amenities of nearby neighbours.
- 6.2 The Environmental Health and Trading Standards Officer has fully assessed the proposal and considers that use of the service yard for the storage of the service trolleys is acceptable provided their movement is controlled by the time constraints attached to the service yard. He does not consider that noise generated by the movement of the trolleys and their associated storage after emptying is sufficient to warrant a noise nuisance and as such there are no objections to the removal of the condition.
- 6.3 Although the yard is enclosed by a high wall there are dwellings which have views into the yard from their first floor. The ad-hoc storage which presently takes place is not visually attractive but a condition which limits the area would enable stricter control. Concern has also been raised as to the uneven surface of the delivery yard causing the cages to rattle when being moved. Again a condition requiring an improved surface treatment would assist in this situation.

- 6.4 Use of the service yard for delivery vehicles is already controlled by time conditions of 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays with use allowed on Bank or Public Holidays. A similar condition will be recommended in line with the Environmental Health and Trading Standards Officer’s comments.
- 6.5 Regarding a screen to the gates, although this would only prevent views into the delivery yard when the gates are closed this again is considered to be as improvement on the present situation and a condition will be recommended.
- 6.6 Accordingly it is considered that with the improvements to be conditioned, relating to the area to be allocated and marked out for external storage, improved surface treatment, time constraints and screen on gates that the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - Within one month of the date of this permission the area to be used for the storage of trolleys, including improved surface treatment, shall be submitted for approval in writing by the Local Planning Authority and the area permanently marked out within one month of approval of the details. The area shall thereafter be maintained to ensure compliance with this condition.**

Reason: To ensure suitable turning facilities for vehicles are retained and to protect the amenity of adjoining residents.

- 2 - There shall be no other outside storage within the service yard other than the area identified under condition 1 above.**

Reason: To ensure suitable turning facilities for vehicles are retained and to protect the amenity of adjoining residents.

- 3 - Details of the screen to be attached to the gates shall be submitted for approval in writing of the Local Planning Authority within one month and the screen erected within one month of the date of approval.**

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

- 4 - There shall be no use of the service yard outside the hours of 7 am to 6 pm Monday to Friday, 7 am to 1pm Saturdays and not at anytime on Sundays, Bank or Public Holidays.**

Reason: In order to protect the residential amenity of adjoining residents.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

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

Date Received:
6th February 2004

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
37995, 58756

Expiry Date:
2nd April 2004

Local Member: Councillor Roger Phillips

Introduction

This application was deferred at the Northern Area Planning Committee on 25 March 2004, in order to provide additional information in respect of the principles of demolition and rebuilding and further evidence regarding the abandonment of the cottage.

No further information has been supplied by the applicant, although comments have now been received from the Environment Agency to the effect that an objection on flood risk is maintained, in the absence of a detailed Flood Risk Assessment.

The attached report has been updated to take account of Member's request regarding the background to abandonment.

1. Site Description and Proposal

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

- 1.5 Planning permission is sought for the reconstruction of the derelict cottage to provide a 3 bedroom dwelling utilising a similar but slightly larger footprint. The elevation treatments seek to reflect the character and appearance of the former cottage.

2. Policies

Government Guidance

PPG 25 – Development and Flood Risk

Hereford & Worcester County Structure Plan

H16A Housing in Rural Areas
H20 Housing in Rural Areas Outside the Green Belt
CTC 4 Nature Conservation
CTC 5 Archeaology

Leominster District Local Plan (Herefordshire)

A1 Managing The District's Assets And Resources
A2(D) Settlement Hierarchy
A4 National Nature Reserves And Sites Of Special Scientific Interest
A6 Sites Of Local Importance For Nature Conservation
A9 Safeguarding The Rural Landscape
A15 Development And Watercourses
A16 Foul Drainage
A22 Ancient Monuments And Archaeological Sites
A24 Scale And Character Of Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 Sustainable development
S2 Development requirements
DR1 Design
DR7 Flood risk
H7 Housing in the countryside outside settlements
NC3 Sites of national importance
NC4 Sites of local importance
ARCH3 Scheduled Ancient Monuments

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

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

- 4.4 Herefordshire Wildlife Trust - comments awaited.

Internal Council Advice

- 4.5 Head of Engineering and Transportation – raises no objection.
- 4.6 Public Rights of Way Manager - raises no objection.
- 4.7 The Chief Conservation officer raises no objection with regard to the impact of the proposal upon the Scheduled Ancient Monument Comments with respect to the designated Site of Special Scientific Interest and Special Wildlife Site are awaited

5. Representations

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

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

- 5.2 In addition, photographic evidence is attached with the letter and confirmation in respect of the potential for compensation through a Purchase Notice under Section 137 of the Town and Country Planning Act 1990 (as amended).
- 5.3 The implications of this are discussed at paragraphs 6.9 and 6.10 of the Officers Appraisal.
- 5.4 Pembridge Parish Council raise no objection.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The site occupies an isolated position within open countryside and as such Policy A2(D) of the Leominster District Local Plan (Herefordshire) would apply. The proposal does not meet any of the relevant criteria set by this policy. No case is submitted seeking to justify a dwelling through the needs of the farming enterprise or as a scheme of affordable housing, meeting the necessary policy requirements. Furthermore, this cannot be regarded as a conversion proposal, due to the condition of the building, and cannot be considered in connection with replacement dwelling criteria.
- 6.2 Replacement dwelling policy requires that the new dwelling should be comparable in size with and within the curtilage of an existing building with established use rights. Evidence has been supplied, showing the remains of a structure. Clearly, these remains do not amount to an existing building with habitable use rights.

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

- 6.3 A number of tests can be applied in reaching a conclusion on this complicated legal matter and these are:
- a) the physical condition of the building in question;
 - b) the length of time that the residential use has ceased;
 - c) the intention of the owner/occupier and;
 - d) any intervening uses.
- 6.4 In this case, the complete derelict state of the former cottage is an overriding issue since it has no standing walls or roof structure and only the very limited remains of the front face of the cottage visible, which has become completely overgrown. The remains of the rest of the fabric of the cottage otherwise lay strewn about in close proximity to the former cottage site. The reconstruction of the dwelling would require major rebuilding work which, in the absence of any other justification, would, as a matter of principle, be contrary to Policy A2(D) of the Leominster District Local Plan (Herefordshire).
- 6.5 The application confirms that the cottage has not been occupied since approximately 1977 and furthermore there appears to have been no intention by the applicant to resurrect the cottage in the intervening years. The evidence provided indicates that the cottage was intentionally demolished due to concerns over trespass and vandalism and possible liability to the farm. It is considered that any doubts about the long term intentions of the applicant would almost certainly be outweighed by the complete derelict state of the cottage, which would reasonably lead to acceptance of abandonment.
- 6.6 The final test relates to evidence of any intervening uses, for which there is none, but in view of the above it is considered that the residential use has been abandoned. Accordingly, this proposal is for the erection of a new dwelling in open countryside.
- 6.7 In addition to this point of principle, the re-establishment of a new curtilage associated with the dwelling, ancillary buildings and other domestic paraphernalia would significantly change the character and appearance of the site and its immediate surroundings and, furthermore, in the absence of any special circumstances, a new dwelling in such an isolated location is regarded as an unsustainable form of development.
- 6.8 In view of the comments received (both original and revised), from the Environment Agency and in the absence of a Flood Risk Assessment to determine otherwise, it is considered that the proposed new dwelling and its occupants would be put at risk during a flood event and also that a new dwelling would effect existing flood flows and increase the risk of flooding elsewhere. Accordingly the proposal would be contrary to Policy A15 of the Leominster District Local Plan (Herefordshire) and the guiding principle set out in PPG 25 – Development and Flood Risk.

- 6.9 It is advised that there are potential legal implications associated with the refusal of planning permission since the applicant could pursue a Purchase Notice seeking compensation from Herefordshire Council. Section 137 of the Town and Country Planning Act 1990 (as amended) establishes that a successful submission would require a case to be made that the land in question is not capable of reasonable beneficial use. A similar case is being considered at present at a site known as 85 Tower Hill Cottage, Dormington. The Council's response in this instance is that the associated land could have a beneficial use for agricultural or forestry purposes or for amenity space/private woodland and, at this stage and with regard to the Tower, Hill Cottage case, this is a position accepted by the Planning Inspectorate, although a right of appeal does exist.
- 6.10 Notwithstanding the above, it is not considered that the prospect of possible legal proceedings, pursuant to Section 137 of the Act, is a material consideration that should be given significant weight such that the overriding presumption against residential development should be outweighed. The Council has thus far been successful in defending its position with regard to the abandonment of cottages in the open countryside and, whilst each of these cases must be judged upon its merits, there is nothing to distinguish Moseley Cottage from the numerous other cases of this kind. It is considered that this would be a defensible position with regard to the Moseley Cottage site.

RECOMMENDATION

That planning permission be refused for the following reasons:

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNW2004/1097/F - TWO STOREY AND SINGLE
STOREY EXTENSIONS AT NO. 2 LATIMER COTTAGE,
THE MARSH, WEOBLEY, HEREFORDSHIRE, HR4 8RP**

**For: Mr & Mrs P Hereford per Mr R Pritchard The Mill
Kenchester Hereford HR4 7QJ**

Date Received:
25th March 2004

Ward:
Golden Cross with
Weobley

Grid Ref:
41543, 51145

Expiry Date:
20th May 2004

Local Member: Councillor J. Goodwin

1. Site Description and Proposal

- 1.1 The application property, 2 Latimer Cottage, forms one half of an attractive stone-built, semi-detached cottage, occupying a prominent roadside location adjacent to Weobley Marsh. The property has a modest lean-to conservatory extension to the rear and timber clad garage to the side.
- 1.2 The boundary with its immediate neighbouring property is formed by a 1.8 metre high, close boarded fence, whilst the northern boundary with Pool Cottage is defined by a mature, largely coniferous hedgerow and a culverted drainage ditch.
- 1.3 Planning permission is sought for a two-storey side extension, incorporating a garage at ground floor with an en suite bedroom over, together with a single storey extension wrapping around to the rear, replacing the existing conservatory and accommodating a downstairs toilet, lobby and lounge. The two-storey extension has an overall width of 3.3 metres, enabling the retention of a narrow pedestrian access to the side.
- 1.4 This is the third submission following the withdrawal and refusal of two previous proposals and follows detailed discussion with officers.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A15 – Development and Watercourses
Policy A54 - Protection of Residential Amenity
Policy A56 - Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire UDP (Revised Deposit Draft)

DR1 - Design
DR2 - Land Use and Activity
DR8 – Culverting
H18 – Alterations and Extensions

3. Planning History

NW2004/0046/F - Two-storey side extension and single-storey rear extension. Refused – for the following reason

'The proposed two storey side extension by reason of its jettied design would appear out of keeping with the character and appearance of this traditional stone cottage and as such would be contrary to Policy A56 of the Leominster District Local Plan (Herefordshire).'

NW2003/3434/F - Two-storey rear extension. Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations required

Internal Consultee Advice

- 4.2. Head of Engineering and Transportation - raises no objection, subject to a condition protecting the use of the garage for parking purposes
- 4.3. Drainage Engineer – raises no objection, clarifying that the foundation construction in relation to the drainage ditch would be controlled under Building Regulations.

5. Representations

5.1 The applicant has submitted the following clarification with respect to the drainage ditch running down the northern side of the application property.

- original ditch was culverted when we purchased property in 1981
- upon purchase and as a result of anecdotal evidence of localised flooding, a programme of clearance of the surrounding land drains and the old ditch was agreed with Welsh Water.
- furthermore, in 1986, a "Clearwater" sewage system was installed by Mercia Drains and licensed by Welsh Water. The works necessitated re-opening part of the old ditch alongside the cottage.
- it is in my interest to maintain the flow of the ditch and ensure that there is no disruption to drainage.
- foundations will be constructed in order to ensure access to and maintenance of the existing drainage is maintained.

5.2 A total of 4 responses have been received from the following persons:

Mr C W Davies, Pool Cottage, Weobley Marsh
Mr & Mrs Nash, Orchard Cottage, Weobley Marsh (2 letters)
Mr Best, Brookside Cottage, Weobley Marsh

5.3 The comments received can be summarised as follows:

- extension would result in building over the existing piped drain (possibly not within applicant's ownership);

- extension should be kept at same width as existing garage;
- inadequate information on submitted plan;
- rendered extension not suitable;
- extension would upset the scale and massing of this pair of cottages and have a detrimental impact upon Weobley Marsh;
- contrary to guidance seeking to promote local distinctiveness and would result in harm to a Locally Important Building;
- inappropriate detailing of extension

5.4 Weobley Parish Council comment as follows:

- extension is very large compared to the original size of the property
- more details required to make a judgement
- materials and window styles should match the original

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 scale and impact of the proposed extensions upon the character and appearance of the existing cottage and the surrounding area;
- (b) the effect on the residential amenities of nearby occupiers; and
- (c) the drainage implications of the proposal

Character and Appearance

6.2 The extension is essentially in two parts incorporating the two-storey extension to the side and the single-storey element to the rear. It is acknowledged that the combined volume of both extensions is relatively significant when weighed against the volume of the existing modest two-bedroomed property, but, in this instance, the overall mass of the extensions is not readily visible. Instead, only the two-storey side extension can be seen in public vantage points from the highway and common land in front of and to the north of the application site.

6.3 In this context, the two-storey extension would be seen to replace the existing lean-to garage, with a 3.3 metre wide addition, with a rendered finish to contrast with the stonework of the cottage. Notwithstanding the comments regarding the presentation of the plans and elevations, it is advised that a small recess at both front and rear of the property, together with a slight break at the ridge, would be achieved which, in combination, would assist in retaining the visual dominance of the stone-built cottage from the main public vantage points of the cottage.

- 6.4 The single-storey extension at the rear would have very little visual impact in the wider context of this site and, as such, whilst criticisms have been made of the design approach, it is not considered that significant harm to the property would result.
- 6.5 The importance of this pair of cottages to the Weobley Marsh area is noted but, having regard to Policy A56 of the Leominster District Local Plan (Herefordshire), it is felt that the essential characteristics of the property will be preserved, although conditions would be recommended to control the colour of the render, use of materials and to ensure that all new joinery matches with that of the existing cottage.
- 6.6 The existing, largely coniferous hedgerow between the application site and Pool Cottage would be removed and replaced with a beech hedge of more manageable proportions. In planning terms, there would be no control over its removal and, as such, its loss is not a matter that can be afforded weight. A condition controlling the replacement planting would be appropriate if this proposal is deemed acceptable.

Through the course of negotiations on the proposed extension of this cottage, the additions to the rear have been reduced to single-storey scale and pulled some 1.5 metres away from the boundary with the immediate neighbour (1 Latimer Cottage). The result is that, notwithstanding the 5 metre projection to the rear, there will be no demonstrable loss of daylight or sunlight to the immediate neighbour, who will now only generally be aware of the eaves height and roof pitching away from his property.

Drainage

- 6.7 In response to concerns about the impact of the proposed extension upon the local drainage arrangements, the applicant has confirmed in writing that he is the legal owner of the ditch which runs between 2 Latimer Cottage and Pool Cottage and has carried out certain works in the past to improve and maintain the flow of the ditch. It is not considered that the extension proposal, provided it is carefully carried out, would have any material effect upon the existing flow or capacity of the partly culverted ditch and, as such, the concerns regarding localised flooding and impact upon species rich ponds in the locality, cannot, in this instance, be substantiated.

RECOMMENDATION

That planning permission be granted subject to the following reasons:

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

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

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

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNW2004/1173/F - MOBILE HOME ON SITE FOR
RESIDENTIAL USE AT THE BUILDINGS, BRILLEY,
WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE,
HR3 6JH**

**For: Mr S F Anning Agent: McCartneys 54 High
Street, Kington, Herefordshire HR5 3BE**

**Date Received:
31st March 2004**

**Ward:
Castle**

**Grid Ref:
25422, 50104**

**Expiry Date:
26th May 2004**

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises land and buildings located in an Area of Great Landscape Value to the north-west of Brilley. The main complex of buildings is arranged around an area of hardstanding accessed directly from the adjacent, unclassified road and set back behind a mature roadside hedgerow.
- 1.2 To the south-west of the buildings and on slightly elevated land are the two mobile homes which, together, form L-shaped living accommodation occupied by the applicant, his partner and their three children. The accommodation is served by its own private drive and a large garden area has been formed.
- 1.3 The applicant is principally engaged in agricultural contracting (Wye Valley Contractors), although the holding also runs as a mixed livestock farm. The holding amounts to an approximate total of 24.3 hectares of grassland, of which about 2 hectares is taken on a 15-year Farm Business with the remainder secured on an annual basis.
- 1.4 Retrospective planning permission is sought for the retention of the mobile homes, in order to provide adequate supervision of the established contracting and livestock enterprises.

2. Policies

Government Guidance

PPG7 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas
H20 – Housing in Rural Areas Outside the Green Belt
CTC2 – Area of Great Landscape Value
CTC9 - Development Requirements
A4 – Agricultural Dwellings

Leominster District Local Plan

A1 – Managing the District's Assets and Resources

A2 (D) – Settlement Hierarchy

A9 – Safeguarding the Rural Landscape

A43 – Agricultural and Forestry Dwelling

Herefordshire and Worcester Development Plan (Revised Deposit Draft)

S1 – Sustainable Development

S2 – Development Requirements

DR1 – Design

DR2 – Land Use and Activity

H7 – Housing in the Countryside Outside Settlements

H8 – Agricultural and Forestry Dwellings and Dwellings associated With Rural Business

LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

NW2003/3603/F - Mobile home on site for residential purposes.

Withdrawn 20 January 2004.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Head of Engineering and Transportation raises no objection.

4.3 Chief Conservation Officer comments that the site is well contained and, as such, would not result in harm to the landscape character of the Area of Great Landscape Value.

5. Representations

5.1 The application is accompanied by an Agricultural/Business Appraisal, the contents of which can be summarised as follows:

- summary of the contracting and agricultural enterprises in terms of main responsibilities and stock levels
- details of the existing workshop, livestock and storage buildings
- breakdown of the seasonal requirements of the contracting business
- a summary of the availability of accommodation in the area
- a functional and financial test relating to the established farm enterprise.

5.2 Brilley Parish Council fully supports the application. The comments can be summarised as follows:-

- fully supportive of retaining young, local people living and working in the area
- existing dwellings in Brilley area are way beyond the means of local people
- application would help to stimulate a sustainable rural economy
- provide an important local service to the community
- government guidance supports principle of dwellings to support other rural enterprises

5.3 There are no other private representations

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

6. Officers Appraisal

6.1 In the absence of any identified impact on the character and appearance of the Area of Great Landscape Value, the determination of this application is based upon the demonstration of a justification for a full-time residential presence to support the contracting and agricultural enterprises operated by the applicant.

6.2 It is advised that the principal activity associated with The Buildings is the agricultural contracting business, which accounts for approximately 70% of the applicant's time. The main services undertaken by Wye Valley Contracting include muck-spreading, silaging, ploughing, hedge trimming, corn and grass planting, combining, mowing, baling, potato carting, excavation work, bulldozing and snow clearing for Herefordshire Council and the Police Authority. The appraisal illustrates that these activities, together with repairs and maintenance, is a year-round responsibility that often involves shift work and working at unsociable hours. In order to meet these demands, Mr Anning employs four full-time people and more part-time employees from the local community are taken at pressurised times in the year.

6.3 It is submitted that the residential need from this main part of Mr Anning's enterprise results from the requirement to undertake maintenance work throughout the night to service equipment, ready for the next day's work and to ensure the security of the plant and equipment stored at The Buildings.

6.4 Having regard to relevant Government guidance and emerging policies in the Herefordshire Unitary Development Plan (Revised Deposit Draft), which introduce the potential for "other rural enterprise" to require a full-time residential presence, rather than the more traditional agricultural and forestry enterprises, the importance of this business to the local community must be acknowledged. However, it is considered that the late night maintenance requirements and security needs of the contracting business should not outweigh the strong presumption against the policy requirement to protect the open countryside from isolated residential development.

- 6.5 It is not considered that an essential functional need for a full-time residential presence to support the contracting business exists, but rather that the need is more a matter of convenience that could adequately be met in a location remote from the buildings and yard themselves.
- 6.6 The appraisal does also attach weight to existing agricultural activities at the holding. The current annual stocking levels are recorded as being a total of 5 cows and calves, 5 store cattle, 20 calves reared on bucket and 200 breeding ewes. A total of 24.3 hectares (2 hectares on a 15-year Farm Business Tenancy and the remainder rented on an annual basis).
- 6.7 It is clearly acknowledged that the mixed livestock activities on this relatively modest holding are a secondary element of the applicant's income and, in this case, the fact that the entire holding is tenanted is such that the long-term viability of the agricultural enterprise must be questioned. It is considered that, to support a temporary arrangement would, in time, make it very difficult to resist a permanent dwelling on a potentially very small holding and therefore, notwithstanding the functional and financial tests submitted, your officers are not convinced that the current tenanted arrangements would enable the applicant to demonstrate a firm intention and ability to develop the farming enterprise, since he is not in full control of the associated grassland.

Conclusion

- 6.8 The application to retain the existing mobile home, which has been on site for approximately 12 months, and is submitted primarily due to the perceived requirement to aid the efficiency of the agricultural contracting business and security of the site. These are not strong grounds upon which to allow a dwelling, even on a temporary basis. A case has been submitted in respect of the livestock activities operated from the holding, but, notwithstanding the required man hours and farm income, the fact that Mr Anning only owns a very small area of land leads to serious doubts as to the long-term viability of this smaller part of his business.
- 6.9 Notwithstanding the local support for this application, it is not considered that the case submitted would outweigh the strong presumption against residential development in the open countryside and, as such, the recommendation is one of refusal.

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

- 1. It is not considered that a functional need has been demonstrated with regard to the contracting and farming enterprises associated with The Buildings at Brilley and, furthermore, there is a lack of evidence of a firm intention and ability to develop the farming enterprise. Accordingly, this retrospective proposal would be contrary to Policies H20 and A4 of the Hereford and Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan, the emerging Policies H7 and H8 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and the guiding principles set out in PP67 – The Countryside – Environmental Quality and Economic and Social Development.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNW2004/1194/F - INSTALLATION OF 2 NO. MOBILE CLASSROOMS AND CAR PARKING AREA AT WEOBLEY HIGH SCHOOL, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8ST

**For: Herefordshire Council per Property Services,
Herefordshire Council, Franklin House. 4 Commercial
Road, Hereford HR1 2BB**

Date Received:
2nd April 2004

Ward:
Golden Cross with
Weobley

Grid Ref:
40670, 51102

Expiry Date:
28th May 2004

Local Member: Councillor J. Goodwin

1. Site Description and Proposal

- 1.1 This application seeks to provide two new mobile classrooms and an extension to the parking facilities at Weobley High School. It is intended to utilise the existing hard play area to the west of the main school buildings to accommodate this new development.
- 1.2 The application site lies within the settlement boundary and the Weobley Conservation Area. Residential properties are found to the north and west of the school site, with open countryside to the east and south.
- 1.3 The proposal involves the introduction of two mobile classrooms, one to act as a music block, the other history. The music block is the smaller of the two, with a length of 12 metres and a width of 8.4 metres. This building will provide a classroom, two practice rooms and a store. The history block has a width of 7.2 metres, with a somewhat larger length, 21 metres. Both blocks have a height of 3.2 metres. In addition, the northern section of this hard play area is to be developed into a new parking area, providing 27 additional spaces.

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC 15 - Preservation, Enhancement and Extension of Conservation Areas

2.2 Leominster District Local Plan

A1 - Managing the District's Assets and Resources
A2(B) - Settlement Hierarchy
A13 - Pollution Control
A21 - Development within Conservation Areas
A24 - Scale and Character of Development
A61 - Community, Social and Recreational Facilities

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 - Sustainable Development
S2 - Development Requirements
S11 - Community Facilities and Services
DR1 - Design
DR2 - Land Use and Activity
DR13 - Noise
HBA6 - New Development within Conservation Areas
CF5 - New Community Facilities

3. Planning History

NW04/1194/F - Single Storey Extensions
Approved 17/3/04

NW02/1582/F - Sports Hall and Changing rooms
Approved 20/11/02

NW00/1639/F - Double Mobile Classroom
Approved for six years 28/9/00

4. Consultation SummaryStatutory Consultations

- 4.1 Weobley Parish Council: "No objection, but the Parish Council is aware of concerns expressed by residents of Castle Mead about the close proximity of the proposed classrooms to their boundaries - the main concern being noise pollution, especially from the music facility. In addition, the Parish Council understands that work has already started on preparing the foundations prior to planning permission being granted."

Internal Council Advice

- 4.2 Head of Engineering and Transportation, response from Transportation Manager: Amended plans are acceptable.
- 4.3 Historic Buildings Officer: No objections, subject to materials and colouring details and details of fencing for parking facilities.

5. Representations

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

- R.E. Best, The Old School House, Weobley
- B.E. Reed, 15, Castlemead, Weobley
- Mr & Mrs Green, 11, Castlemead, Weobley

The objections can be summarised as follows:-

1. Overbearing impact
2. Noise
3. Choice of siting

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

6. Officers Appraisal

Principle

- 6.1 The principle of the enhancement of educational facilities is accepted in principle. Notwithstanding this, a proposal such as this must be acceptable in relation to other policy criteria, specifically in this instance issues such as design and scale, residential and visual amenity, transportation, impact upon existing school facilities and implications upon the Weobley Conservation Area.

Design and Scale

- 6.2 Mobile classrooms are designed to meet a temporary functional requirement. Notwithstanding this, it is important, particularly in a Conservation Area, for all new development to be visually acceptable. In this instance, although the buildings are in raised and relatively prominent positions, the wider views of these structures will actually be quite limited by virtue of the positioning of the neighbouring buildings and the general site screening. It is therefore suggested that the design limitations of these buildings is not problematic. The buildings are not permanent and are inoffensive in character and appearance. The sizes are not excessive and the colouring will be controlled through condition.

In relation to the proposed car parking, it is suggested that the impact of a physical change from hard play to car parking will be relatively limited; the obvious difference, however, will clearly be the presence of cars and their impact upon the visual amenities of the locality. The issue of impact upon visual amenities will be considered in more detail in the report.

Residential Amenity

- 6.3 It is suggested that the principal issue for consideration in relation to this proposal is the impact of this development upon neighbouring residential properties. The two considerations in this instance are the physical impact of the buildings and the noise pollution generated by the use of these structures.

Turning first to the physical impact of these buildings, the proposed siting has been altered from that of the original submission, with the buildings now in closer proximity to the main school complex. Although the buildings are raised from the ground level of the main complex, the buildings do not have an imposing height. At the closest point, these buildings are 21 metres from the rear of the nearest dwelling house. This is considered ample in consideration of the c.3.2 metre height. It is considered that the physical impact of these structures upon the neighbouring residential properties is wholly within acceptable limits.

The noise generated by these proposals has also been raised as a concern. The car parking will clearly have noise associated with its use. It is suggested, however, that the noise generated by this use will not be unacceptable, particularly in consideration of the general levels of vehicle movement associated with a school of this size.

In relation to the proposed classrooms, it is recognised that classrooms generate noise and the use of one classroom for music is clearly a cause for concern locally. The

existing use of this area – namely hard play – is, in itself, noise generating. Of further consideration is the fact that the music building is to be sound-proofed and that the buildings are as far removed from the residential neighbours as is practicable. The music room, it should be stressed, is now no closer to the residential properties to the west than other elements of the school which could, if so wished, be used for music. The site selection for these buildings has principally influenced the sports hall development and the essential need to protect playing fields from development. The sites chosen are considered appropriate and the positioning of the buildings is considered sympathetic to the amenities of the nearby residents. On balance, it is considered that the noise generated by these buildings is not unreasonable or unacceptable and will not harm the amenities of nearby residential properties to a degree that can be considered unacceptable in this situation.

Visual Amenity

- 6.4 It is considered that, although this area of the wider site is raised from the roadway, the boundary landscaping sufficiently compensates for this. As noted previously, the wider views of these structures will actually be quite limited by virtue of the positioning of the neighbouring buildings and the general site screening. It is considered that no significant harm to the landscape will result from this development. The impact upon visual amenity is therefore considered acceptable.

Transportation

- 6.5 The original proposal raised concern in relation to pedestrian/vehicle conflict. These concerns have been overcome by virtue of a revised layout that includes the creation of a new pedestrian access, the introduction of a Zebra Crossing and the control of entry and exit to the site. On the basis of these revisions, the proposal is considered acceptable in relation to transportation issues.

Impact upon Existing School Facilities

- 6.6 The existing site for this proposal is currently an area of hard play. The required provision of hard play area for this school, worked on the basis of pupil numbers, is 2746 metres square. There is no requirement for the provision of any single area of hard play at any set size or use. Weobley High School currently has 3290 metres square of available hard play. The two buildings remove 252 metres square. The school therefore maintains an excess of hard play and is able to meet the required provision. No objection is raised, therefore, to the loss of area to the proposed buildings.

Conservation Area

- 6.7 No objections to the design of these buildings have been raised and it has already been concluded that the impact upon visual amenities will be within acceptable limits. It is therefore considered that the character and appearance of the Conservation Area will not be unacceptably harmed as a result of this proposal.

RECOMMENDATION:

That planning permission be approved, subject to the following conditions:-

- 1. A06 (Development in accordance with approved plans)**

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

- 2. The mobile classrooms shall not be installed on site until details of the materials to be used externally on the walls and roofs have been submitted to and approved in writing by the Local Planning authority. Development shall be carried out in accordance with the approved details.
- 3. This permission shall expire on 16th Jun, 2009 . Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 4. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 16th June, 2009 in accordance with a scheme of work submitted to and approved by the local planning authority.

Reason: To ensure that the land is restroed to an acceptable condition to safeguard th amenities of the locality.

- 5. Prior to the commencement of the use of the area designated as car parking, details of the proposed new fence shown on plan 6KAT/JHB/03/01/A shall be submitted to and agreed in writing by the Local Planning Authority. The fence shall not be erected until the written confirmation of acceptability has been received from the Local Planning Authority.

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

- 6. Prior to the commencement of the use of the area designated as car parking, the new pedestrian access point and footpath, Zebra Crossing and signage associated with the entry and exit points shown on approved plan 6KAT/JHB/03/01/A shall be completed in their entirety and retained at all times.

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

Informatives

- 1. N03 - Adjoining property rights
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNW2004/1236/F - AGRICULTURAL WORKERS
DWELLING AT THE LIMES, NORTON CANON,
HEREFORDSHIRE, HR4 7BP**

**For: Mr D Palliser per Mr A Last, Brookside Cottage,
Knapton, Birley Herefordshire HR4 8ER**

Date Received:

5th April 2004

Ward:

Castle

Grid Ref:

36777, 47888

Expiry Date:

31st May 2004

Local Member: Councillor J. Hope

1. Site Description and Proposal

- 1.1 The Limes comprises land and buildings located on the southern side of an unclassified road between Norton Canon and Norton Wood. The main complex of modern and traditional farm buildings is located close to the road and adjacent to its junction with Kittys Lane, which provides access to the A480 to the north.
- 1.2 The holding comprises approximately 56 hectares and is farmed as a mixed livestock enterprise with an annual stock level of some 400 lambing ewes and 75 calves with about 8 hectares of land used for arable production.
- 1.3 The land was purchased by the applicant, who has since secured temporary planning permission for a mobile home (recently renewed for a further year) and approval has been given to the erection and extension of modern farm buildings within the holding.
- 1.4 Planning permission is sought for the erection of a permanent dwelling which takes the form of a three-bedroomed, detached property with three ensuite facilities and a large landing/sitting area on the first floor, together with large reception hall, living/dining/sitting area, kitchen, farm office/study and utility room. The gross floor area of the property extends to some 198 sq. metres, including the farm office/study.
- 1.5 This application is a re-submission of a refused proposal relating to a site to the south-west of the main farm buildings and which included a large, detached garage. The siting as proposed is now closer to the established farm complex, in between the traditional and modern buildings.

2. Policies

Government Guidance

PP67 – The Countryside – Environmental Quality and Economic and Social Development

Hereford and Worcester County Structure Plan

Policy H.16A – Housing Development in the Open countryside

Policy H.20 – Housing Development in the Open Countryside Outside the Green Belt

Policy CTC.9 – Development Requirements
Policy A4 – Agricultural Dwellings

Leominster District Local Plan

Policy A1 – Managing the District's Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A15 – Development and Watercourses
Policy A43 – Agricultural Dwellings

Herefordshire UDP (Revised Deposit Draft)

Policy S1 – Sustainable Development
Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR2 - Land Use and Activity
Policy DR7 – Flood Risk
Policy H7 – Housing in the Countryside Outside Settlements
Policy H8 – Agriculture and Forestry Dwellings and Dwellings Associated with Rural Business
Policy LA2 – Landscape Character and Areas Least Resilient to Change

3. Relevant History

NW2004/0010/F - Agricultural Worker's Dwelling and detached garage. Refused: 1 March, 2004.

NW2003/1840 - Renewal of permission for temporary mobile home. Approved: 22 August, 2003.

NW2002/3205/F - Amendment to Planning Permission NW2000/1165/F from two buildings to one. Approved: 7 April, 2003.

NW2002/3150/F - Extension to farm buildings. Approved: 7 April, 2003.

NW2000/2333/F - Removal of railway embankment and return to agricultural land. Refused. Appeal allowed 27 April, 2001.

NW2000/1165/F - New farm buildings. Approved: 17 July, 2000.

NW2000/0965/F - Siting of temporary mobile home. Approved 12 July, 2000.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency raise no objection, but make comments regarding the principles of sustainable drainage, culverting of watercourses, foul drainage arrangements and waste excavation.

Internal Consultee Advice

- 4.2 Head of Engineering and Transportation raises no objection.

- 4.3 Head of Environmental Health and Trading Standards raises no objection.
- 4.4 Chief Conservation Officer comments that the site has been the subject of previous applications which have partly compromised the views of the Black Mountains from the bottom of Calver Hill. The dwelling will serve to further affect this stunning outlook, but it does relate better to new and proposed buildings and the preservation of the view itself is unlikely to be of sufficient concern to justify refusal.

5. Representations

- 5.1 A total of 6 letters of objection have been received from local residents, who raise the following concerns:-

- proposed new brick-built dwelling out of character with the area
- existing timber-framed barn is ideal for conversion
- application contradictory - timber-framed barn is mentioned as being used for agriculture, but on plans is shown as holiday accommodation
- if a house can be afforded, the conversion of this building can
- functional test fails in view of availability of property in the area
- income from farming business is overstated and appears to be funded from other income
- others have converted buildings in the area, why not the applicant
- dwelling must be tied to the agricultural business
- property will still be highly visible
- old barn no longer required with modern buildings having been constructed
- conversion costs no greater than new build costs
- overlooking of our property

- 5.2 Two letters of support have been received from the occupiers of Darkley House and Slate Cottage, Norton Cross

- 5.3 Norton Canon Parish Council state:-

"We accept the change to size and position, but have strong reservations of the mention to converting the nearby barn to holiday lets or B & B accommodation, which will require further consideration as an alternative."

- 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 key issues for consideration in the aftermath of this application are as follows:-
- a) The principle of a permanent dwelling to support the established farm enterprise; and
 - b) The impact of the proposed dwelling upon the character and appearance of the site and surrounding area

Principle of a Permanent Dwelling

- 6.2 Annexe I of PPG7 sets out the guidelines against which proposals for permanent dwellings should be considered and clarifies that these should only be allowed to support existing agricultural activities on well-established agricultural units, providing:-
- (i) there is an established existing functional need;
 - (ii) the need relates to a full-time agricultural worker;
 - (iii) the agricultural activity on the farm unit has been established for three years and has been profitable for at least one;
 - (iv) the functional need could not be fulfilled by another dwelling on the unit or existing accommodation in the area, which is suitable and available; and
 - (v) other normal requirements, such as siting and access, are satisfied
- 6.3 Having regard to this particular proposal and setting it against the extensive planning history of the Limes site, it is considered that the key functional and financial tests established by Annexe I of PPG7 have been satisfied. There has been significant investment in new farm buildings since the temporary permission for the existing mobile home was granted in July, 2000. It has also been shown that increases in the ewe flock to 400 lambing ewes, the introduction of a small suckler herd with six cows and calves together with acceptance into the Countryside Stewardship Scheme have all occurred, which are all indicators of a well planned and steadily growing enterprise. This steady increase is reflected in the profitability of the farming activities, which have grown since 2000 and accord with the basic requirements of PPG7.
- 6.4 In this case, it is clear that the potential availability of dwellings in the area and the status of the timber-framed barn on the site are material considerations, which require very careful consideration. A number of concerns have been raised locally and detailed information has been supplied regarding a number of properties which have been available for purchase or rent in the Norton Canon area over the past 9-12 months. In response to this, the applicant has reaffirmed his assertion that, at lambing time, it is vital to be very close at hand to deal with emergencies and satisfy animal welfare legislation and, as such, a significant number of the dwellings suggested would be too far away from the established need. Furthermore, it is advised that the budget for providing the permanent dwelling is between £100,000 and £150,000 and all the properties that have been on the market have exceeded this budgetary constraint. In essence, the cost implications are a material consideration and, since a functional need has been established, albeit on a temporary basis within the holding itself, it is not considered that there is a justification to refuse planning permission in respect of the dwellings that have been on the market in the surrounding area

- 6.5 Far more significant in your officers' view is the potential for converting the timber-framed barn, which is clearly well placed to meet the functional needs of the enterprise. The applicant indicates that this building is still used for agricultural purposes, providing storage for hay and straw and accommodating sheep during the lambing period. It is further submitted that the approximate cost of converting the barn would be £200,000, which is beyond the current budget of the applicant. However, it is a clear intention of the applicant to seek permission to convert the building to tourist accommodation in the future and observations indicate that the building could be retained through conversion. The expansion of the modern farm buildings would facilitate the shifting of activities currently operating from the timber-framed barn and, as such, it is not considered that this would be critical to the ongoing viability of the enterprise.
- 6.6 At this stage, it is considered that to allow a new dwelling when there is a reasonable opportunity to convert an existing building for residential use would be premature and that, in this context, the granting of a further temporary permission for the mobile home to allow further funds to be raised would be an acceptable compromise, necessitating the refusal of this application. The weight one attaches to this is a matter of opinion, but it is a relevant material consideration and one which has been afforded weight in this recommendation.
- 6.7 On a final issue, the guidance set out in PPG7 requires the scale of the dwelling to be commensurate with the needs of the enterprise. Although the floorspace linkage between the size of the agricultural dwellings and local needs affordable housing has been severed in respect of policies contained in the Herefordshire Unitary Development Plan (Revised Deposit Draft), it is considered that, as proposed (198sq.metres), the dwelling is too large and its future affordability would be questionable on this basis.

Impact on Character and Appearance of surrounding Area

- 6.8 The re-siting of the dwelling has brought it into the area between the traditional and modern farm buildings and significantly reduced its visual impact, as well as reflecting more closely the pattern of development in the area. The scale of the dwelling is a concern with respect to the need to ensure it is commensurate in size with the farming enterprise but, in this case it is not felt that there would be a wider landscape impact.
- 6.9 The design and use of materials is a matter which is relevant within this sensitive, rural landscape but, on balance, the harm in this area characterised by a mixture of materials, including brick, stone render and slate, is not considered to be sufficient to warrant the refusal of planning permission.

RECOMMENDATION

That planning permission be refused for the following reason:-

- (1) The proposed dwelling, in view of its overall size, would not be commensurate with the established functional requirements of the holding and, furthermore, the existing timber-framed barn could be converted to meet the functional need. Accordingly, the proposal would fail to meet the tests set out in Annexe 1 of Planning Policy Guidance Note 7 - The Countryside - Environmental**

Quality and Economic and Social Development, and would also be contrary to Policy A43 of the Leominster District Local Plan (Herefordshire).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNW2004/1257/F - PROPOSED SINGLE STOREY
FRONT EXTENSION 27 LLEWELLIN ROAD, KINGTON,
HEREFORDSHIRE, HR5 3AB**

**For: Mr M Traylor per Mr D Walters 27 Elizabeth Road
Kington Herefordshire HR5 3DB**

Date Received:
6th April 2004

Ward:
Kington Town

Grid Ref:
29645, 56905

Expiry Date:
1st June 2004

Local Member: Councillor: T James

1. Site Description and Proposal

- 1.1 This application seeks consent for the erection of a single-storey, front extension at 27, Llewelin Road, Kington. The existing dwelling house is a two-storey terrace dwelling, with a small, flat-roof porch to the front. The site is located within the settlement boundary of Kington.
- 1.2 The proposal involves the erection of a single-storey, mono-pitched addition between the existing porch and the boundary with neighbouring property, Number 29.

2. Policies

2.1 PPG1 - General Policy and Principles

2.2 Leominster District Local Plan

A1 - Managing the District's Assets and Resources
A2(A) - Settlement Hierarchy
A24 - Scale and character of Development
A54 - Protection of Residential Amenity
A56 - Alterations, Extensions and Improvements to Dwellings

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

S1 - Sustainable Development
S2 - Development Requirements
H4 - Main Villages - Settlement Boundaries
H18 - Alterations and Extensions
PPG1 - General Policy and Principles

3. Planning History

DCNW2004/0553/F - Erection of front conservatory
Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Head of Engineering and Transportation - Raised no observation in respect of this application

5. Representations

5.1 A single letter of objection has been received to this proposal from the following source;

Mr & Mrs Williams, 29, Llewelin Road, Kington

The objections raised can be summarised as follows:

1. Loss of light to seating area to front of property
2. Loss of light to front room (sitting room)
3. Loss of outlook from front room (sitting room)

5.2 Kington Town Council: Kington Parish Council raised no objection.

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

6. Officers Appraisal

Principle

6.1 The Leominster District Local Plan accepts the principle of extending residential properties in situations such as this. Notwithstanding this, development plan policy requires that any proposal must be assessed and considered acceptable in relation to issues such as design, scale, residential and visual amenity, transportation and environmental impact.

Design and Scale

6.2 A front extension in a suburban setting can represent an incongruous feature. In this situation, however, the addition is not only of a modest size, but it also reflects the design appearance of the porch attached to the front of the neighbouring property, number 29. Therefore, although the addition is an extension to a habitable room, it nevertheless integrates with the existing street scene. In fact, a degree of design variety is found in the wider area and, as such, it is not considered that this addition constitutes an incongruous feature. The addition will integrate into the existing dwelling house and is of appropriate size for the relatively prominent location. The design and scale are therefore considered acceptable.

Residential and Visual Amenity

- 6.3 The principal concern with this proposal is the impact of the addition upon the attached neighbouring property, number 29. Although there is no right to a view or “right to light” as such, the impact upon light to a habitable room and the overbearing impact of a development is a material planning consideration. In this instance, the concern relates to the loss of light and overbearing impact caused to the front room of the affected neighbour. Whilst a degree of light loss will occur to this room, it is not considered to be to an unacceptable extent. The addition projects only by 1.8 metres and this is not considered sufficient to represent an overbearing impact. In addition, the addition meets the 45 degree test, suggesting the loss of light will be within acceptable limits. Of further consideration is the fact that the front elevations are south facing; therefore it is only the afternoon sun that is impacted upon by virtue of this addition, with the morning sun only lost because the occupiers of number 29 themselves have extended to the front of their property. The “tunnel” effect to the room in question is therefore equally the result of the occupiers of No 29’s own development. It is considered unreasonable to refuse this application on the basis of impact upon this neighbour alone, particularly when the impact itself is considered acceptable and the impact is only of such concern by virtue of the objector’s own development. An additional factor for consideration is the fact that either party, causing no less an impact than this current proposal, could erect a 2 metre high fence on this boundary. No other properties will be harmed by this development and, as such, the impact upon residential amenity is considered acceptable.
- 6.4 By virtue of the similar addition to the front of the neighbouring property, together with the design and siting factors, it is considered that the impact upon visual amenity will be acceptable.

RECOMMENDATION

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

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

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

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

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

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

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

Informatives:

- 1 - N03 - Adjoining property rights**
2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNC2003/3768/F - DEMOLITION OF GARAGE AND CONSERVATORY, CONSTRUCTION OF SIDE EXTENSION AND NEW BUILDING TO FORM 2 ADDITIONAL DWELLINGS, INTERNAL AMENDMENTS TO GROUND FLOOR AT 33 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JQ

DCNC2003/3769/L – AS ABOVE

For: Mr & Mrs S D Wicks per Mr S Funge Stephen Funge Architechural Design Dartmoor View Queen Street Winkleigh Devon EX19 8JB

Date Received:
16th December 2003

Ward:
Leominster South

Grid Ref:
49626, 58747

Expiry Date:
10th February 2004

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

1.1 33 South Street, also known as Bryanstone House, is a Grade II Listed Building located some 50 metres north of its junction with Coningsby Road and almost opposite Hawthorne Place. The Larches is to the east. The site is located in a primarily residential area as shown on the Leominster Town Centre Inset map in the Leominster District Local Plan, and within the Leominster Conservation Area.

1.2 This application proposes the use of a single storey outbuilding to provide a kitchen to ground floor flat no. 1. A single storey flat roofed building between 33 South Street and 33A South Street is also to be replaced by a two storey building providing bedroom, sitting room, kitchen and shower room, with car access below. It is also proposed to replace an outbuilding within the rear garden with a single bedroom bungalow, which will have a lean-to roof. Internal alterations are also proposed to the ground floor flat. Parking for 7 vehicles is also proposed.

2. Policies

Planning Policy Guidance Note 1 – General Policy and Principles
Planning Policy Guidance Note 15 – Planning and the Historic Environment

Leominster District Local Plan

A2 – Settlement Hierarchy
A18 – Listed Buildings and their Settings
A21 – New Development within Conservation Areas

Herefordshire Unitary Development Plan (Deposit Draft)

HBA1 – Alterations and Extensions to Listed Buildings

HBA4 – Setting of Listed Buildings

HBA6 – New Development with Conservation Areas

3. Planning History

NC2003/2032/U – Use of property for 6 flats. Agreed 22nd July 2003.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Chief Conservation Officer – no objection in principle.

4.3 Head of Transportation and Engineering – no objection.

5. Representations

5.1 Leominster Town Council comments as follows: “Recommend refusal. It is felt that the proposed building will detract from this fine early 19th Century building and would be unsympathetic to the adjoining properties. Council also feels that the proposal would constitute both over development and backland development of the site.”

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

6. Officers Appraisal

6.1 The work on the flats is now complete. While these alterations were premature to the determination of this application the work progressed with in the knowledge of and in consultation with the Historic Buildings Officer. The details of alterations/conversion have been subject of long and extensive negotiation that has resulted in a scheme that respects the historic fabric and character of this Listed building.

6.2 The application also proposes to replace a garage and conservatory that is located in the rear garden with a single storey dwelling. The design of the replacement building is similar to the existing building and is considered to respect the character of this Listed building. Further it is considered that it will be in a position that will not cause significant disruption or loss of residential amenity to adjoining properties. In terms of its impact on the character of the area as a whole is concerned, there are other similar examples of backland type of developments nearby. A dwelling in this position will not harm the prevailing characteristic of the area.

RECOMMENDATION

NC2003/3768/F

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)(7th April 2004)

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

3 - H13 (Access, turning area and parking)

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

4 - D01 (Site investigation - archaeology)

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

NC2003/3769/L

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

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

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

2 - A09 (Amended plans)(7th April 2004)

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

Informative:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

**DCNC2004/0182/F - CONVERSION TO SNOOKER HALL
AND BAR AREA AND FOUR FLATS AT BROOK HALL,
27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE,
HR6 8BT**

DCNC2004/0183/L – AS ABOVE

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

**Date Received:
19th January 2004**

**Ward:
Leominster North**

**Grid Ref:
49556, 59240**

**Expiry Date:
15th March 2004**

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

1. Site Description and Proposal

- 1.1 Brook Hall, a Grade II Listed Building, is located on the west side of Broad Street, between the restoration shop and Vicarage Street. It is in the Leominster Conservation Area and within a primarily residential area as shown on the Leominster Town Centre Inset Map in the Leominster District Local Plan. It is a two-storey building with attic rooms, faced in yellow brick under a Welsh slate roof. The building is vacant, the ground floor was last used by New Life Church, with vacant residential flat at first floor.
- 1.2 This application proposes the use of the ground floor as snooker hall and lounge bar. The upper floors are to accommodate 4 residential flats. The plans show that 4 car parking spaces are proposed along the side of the building fronting onto Vicarage Street.

2. Policies

- 2.1 PPG1: General Policy and Principles
PPG6: Town Centres and Retail Development
PPG15: Planning and the Historic Environment
- 2.2 **Leominster District Local Plan (Herefordshire)**
- A2 – Settlement Hierarchy
A18 – Listed Buildings and their Settings
A21 – Development within Conservation Areas
A54 – Protection of Residential Amenity
- 2.3 **Herefordshire Unitary Development Plan (Deposit Draft)**
- HBA1 – Alterations and extensions to Listed Buildings
HBA3 – Change of use of Listed Buildings
HBA6 – New development within Conservation Areas

3. Planning History

98/0142 - Internal works. Approved 17.8.98.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Chief Conservation Officer: No in principle objection.

4.4 Environmental Health and Trading Standards: No objection.

5. Representations

5.1 Leominster Town Council: 'Recommend approval conditional upon there being no major alterations to the fabric or character of the building.'

5.2 17 letters of objection, including a petition with 37 signatories, have been received. The main points raised:

- a) This is not an appropriate location for a snooker hall.
- b) Noise nuisance.
- c) Unsociable behaviour.
- d) Inadequate parking.
- e) There are already enough snooker halls in Leominster.
- f) No need for another bar in the town.

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 Brook Hall is located within a primarily residential area as shown on Leominster Town Centre Inset Map in the Leominster District Local Plan. The ground floor of the building was last used as a place where people congregate. Uses included place of worship, day nursery and other group activities.

6.2 This application proposes a snooker hall within a large hall, which is at the rear of the building, and the front part of Brook Hall to be used as a lounge bar. The first floor and attic rooms are to be altered to provide 4 flats.

6.3 Generally snooker halls do not cause noise nuisance that would give rise to loss of residential amenity. While, it is acknowledged that there may be some unwelcome and undisciplined behaviour of patrons when leaving the snooker hall, it is not considered that this will lead to unacceptable disturbance. However, given the location of the building, it would not be unreasonable to restrict opening times to coincide with licensing hours. Further, a scheme of sound attenuation that would protect the

residents of the flats from noise and activities of the bar and snooker hall would be reasonable.

- 6.4 To bring this building into alternative use will require the removal of internal walls. However, the walls that are shown to be removed are non-structural and non-original. It is therefore not considered the removal of any walls would harm the historic characteristics or fabric of this listed building.
- 6.5 Matters of competition with other snooker halls and other licensed premises in Leominster are not material considerations in the determination of this application, as they will provide choice.
- 6.6 The site's central location allows access to employment and local services by modes of transport other than car. While 4 car parking spaces are shown, this is considered acceptable in this locality. The site is close to a large public car park, coupled with the availability of public transport. Its close proximity to these facilities lends itself favourably to under-provision of parking, thereby creating a sustainable form of development.

RECOMMENDATION

NC2004/0182/F

That planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans) (5 April 2004)**

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

- 3 - The use of the lounge bar and snooker hall shall not be open to customers between the hours of 11pm and 10.30am daily.**

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

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

Reason: To safeguard the amenity of the area.

NC2004/0183/L

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

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

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

2 - A09 (Amended plans) (5 April 2004)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNC2004/1133/F - SILAGE, HAY AND STRAW
STORAGE AGRICULTURAL BUILDING AT
PUDLESTON COURT FARM, PUDLESTON,
LEOMINSTER, HEREFORDSHIRE, HR6 0QY**

**For: per Mr I Savagar 35 Caswell Crescent
Leominster Herefordshire HR6 8BE**

Date Received:
29th March 2004

Ward:
Hampton Court

Grid Ref:
56585, 59912

Expiry Date:
24th May 2004

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 Pudleston Court Farm, which is partly enclosed by a red brick wall, is opposite St Peter's Church, a Grade II* Listed building. The Old Rectory, a Grade II Listed Building, is to the north-east and screened by a belt of trees.
- 1.2 This application proposes an open-ended portal framed agricultural building, 20m x 22.860m, 6.096m to eaves and 8.775m to the ridge to be located adjacent to other similar buildings. The lower walls are to be constructed in concrete blocks with spaceboarding above. Fibre cement sheets are proposed for the roof.

2. Policies

- 2.1 PPG1: General Policy and Principles
PPG7: The Countryside – Environmental Quality and Economic and Social Development
PPG15. Planning and the Historic Environment

2.2 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
A18 – The Setting of Listed Buildings
A42 – Intensive Livestock Buildings
A54 – Protection of Residential Amenity

2.3 Hereford and Worcester County Structure Plan

A3 – Agricultural Buildings
A9 – Development Criteria
CTC7 – The Setting of Listed Buildings

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

E13 – Agricultural and Forestry Development
HBA4 – The setting of Listed Buildings

3. Planning History

NC2000/2981/F - Portal framed agricultural stock housing building. Approved 9.1.2001.

NC2001/0740/F - Portal framed stock building extension. Approved 18.5.2001.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Chief Conservation Officer: No objection.

5. Representations

5.1 Pudleston Parish Council: No objection.

5.2 Letter of objection from Mr M A C Brinton, The Old Rectory, Pudleston:

a) The proposed building will be adjacent to our boundary, between the existing new building, which already causes a noise nuisance, and our house. It will be clearly visible from the Old Rectory, a listed and fine Georgian building, lying in an Area of Outstanding Natural Beauty.

b) Silage is notoriously smelly, and would seriously detract from the enjoyment of our property. Concerns about the effluent from this building, and pests such as rats and mice.

c) If such a building is necessary, can it not be built either on the site of one of the large number of existing and presumably redundant farm buildings or at the very least on the far side of the new barn? There is a suitable sized area for this, and it would then be hidden from us by the other new barn.

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

6. Officers Appraisal

6.1 Policy A42 deals specifically with farm buildings, placing a need for the building, which should be sited and designed to harmonise with its surroundings.

6.2 As with all development in the countryside, particular care needs to be taken to minimise the effect the farm buildings will have on the appearance of the area. In this case, the proposed building is to be positioned alongside, and will be similar in appearance, to recently constructed farm buildings. It is proposed to locate the building within an established farmyard, in a position that is considered acceptable which will not compromise the functioning of the farm. To move the building to the

other side of the farmyard as suggested would require the building to be located adjacent to a watercourse. This is not considered acceptable in that any seepage from silage would cause pollution of the watercourse. In terms of Policy A.42 the proposal is considered acceptable in that it forms part of the agricultural complex.

6.3 The Old Rectory, which is to the north-east of the farm complex, is some 100metres from the site of the proposed building. It is screened from Pudleston Court Farm by a tree-lined drive. It is considered that the farm building is of sufficient distance from The Old Rectory that will not affect the setting of this Listed building or impact on its residential amenity.

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.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNC2004/1137/F - SINGLE STOREY FRONT
EXTENSION TO FORM ATTACHED GARAGE. TWO
STOREY SIDE EXTENSION AT SUNNYMEAD, LITTLE
HEREFORD, HEREFORDSHIRE, SY8 4LJ**

**For: Mr & Mrs K J Fewtrell per Mr R H Millinchip
Winds Point 25 High Clere Bewdley Worcs DY12**

Date Received:
29th March 2004

Ward:
Upton

Grid Ref:
54712, 68467

Expiry Date:
24th May 2004

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 Sunnymead, an unprepossessing bungalow, is located on the west side and at the southern end of a ribbon of development that fronts on to the C1053. The site is located in open countryside.
- 1.2 This application proposes an extension to the west side of the bungalow to provide lounge, dining room and entrance hall with bedroom and en-suite bathroom in the roof space. A single garage extension is proposed to the roadside elevation. The extensions are proposed to be constructed in matching materials.

2. Policies

2.1 PPG1: General Policy and Principles

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

A2 – Settlement Hierarchy

A24 – Scale and Character of Development

A54 – Protection of Residential Amenity

A56 – Alterations, Extensions and Improvements to Dwellings

2.3 **Hereford and Worcester County Structure Plan**

A9 – Development Criteria

H20 – Housing in the Open Countryside

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

H18 - Extensions

3. Planning History

93/0326 - Vehicular access. Approved 19.7.93.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

5. Representations

5.1 Little Hereford Parish Council: 'We object to this application. We feel that both extensions together would increase the size of the property to such an extent that it would be out of character, and as such contrary to the Local Plan.'

5.2 Letter from Mr and Mrs J White, Swallowfield, Little Hereford:

The main points raised:

- a) potential light loss
- b) two-storey extension will not fit with the character of this bungalow

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

6. Officers Appraisal

6.1 Policy A56 deals specifically with alterations, extensions and improvements to dwellings, setting out criteria for consideration; scale and impact on the character of the original building, effect on neighbours and the area as a whole.

6.2 Although described as a two-storey extension, the proposal is for a single storey addition providing lounge and dining room on the ground floor with a bedroom and en-suite bathroom in the roof space. The extension will be on the west side of the bungalow so as to create an L-shaped dwelling. The extension will be no higher than the existing bungalow.

6.3 Turning to the garage extension and its effect on the neighbour is concerned; the garage extension will be some 13m from the windows of Swallowfield. Although the garage extension will be on the south side of Swallowfield it is considered its position will not cause loss of sunlight to habitable rooms or shadowing of the neighbours garden so as to give rise to loss of residential amenity.

6.4 In terms of its scale and impact on the original character of the building is concerned, it is considered that there are insufficient grounds for refusal.

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.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNC2004/1246/F - REPLACEMENT CONSERVATORY,
LOFT CONVERSION AND VARIOUS INTERNAL
ALTERATIONS AT ST. THOMAS, STOCKENHILL
ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8PP**

For: Mrs S H Hackley & Mr M Pullen

Date Received:

6th April 2004

Expiry Date:

1st June 2004

Local Member: Councillors R Burke and J P Thomas

Ward:

Leominster South

Grid Ref:

48891, 58516

1. Site Description and Proposal

- 1.1 The property is a semi-detached bungalow which stands on the north side of Stockenhill Road.
- 1.2 The proposal is to replace an existing conservatory to the rear of the property with a 'wrap around' conservatory which will run from the rear of the garage around to the rear of the house.
- 1.3 The conservatory will project out 2.74m from the side and rear building line. It will extend for approximately 10.3m along the side of the property and 7.4m along the rear.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A24 – Scale and Character of Development

A56 – Alterations, Extensions and Improvements to Dwellings

3. Planning History

- 3.1 No recent planning history.

4. Consultation Summary

Statutory Consultations

- 4.1 Town Council: Recommends refusal, as it is felt that this would constitute overdevelopment of the property and site, and would be out of proportion and character with its surroundings and nearby properties.

Internal Council Advice

- 4.2 Head of Engineering and Transport: No objection.

5. Representations

5.1 None received.

6. Officers Appraisal

6.1 The proposed conservatory, whilst extending along the side and rear of the property, only projects 2.7 metres from the building line. It will be screened to the neighbouring property by an existing boundary fence and it is proposed to erect a cavity wall, to meet building regulations, which will provide a further screen.

6.2 It is also proposed that a cavity wall be erected adjoining the boundary with the semi-detached neighbour, which will prevent any overlooking, or loss of amenity.

6.3 It is not therefore considered that the proposed conservatory will have an adverse impact upon the character of the area or amenities of occupiers of adjoining properties and as such the proposal is in accordance with adopted policy.

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 - None of the development hereby approved shall be commenced until details of the 'fire wall' have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details prior to the accommodation first eing brought into use unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

NORTHERN AREA SUB-COMMITTEE

16 JUNE 2004

**DCNC2004/1409/F - REMOVAL OF EXISTING
STORAGE BARN, BINS AND SILO AND
REPLACEMENT WITH OPEN PLAN STORAGE
BUILDING AT BODENHAM GRAIN STORE, POOL
HEAD, BODENHAM, HEREFORDSHIRE, HR1 3HP**

**For: Bodenham Grain Storage Ltd per Mr S Wells
Lower Hope Farms Ullingswick Hereford HR1 3JF**

Date Received:

19th April 2004

Ward:

Hampton Court

Grid Ref:

55447, 50451

Expiry Date:

14th June 2004

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.2 The application site comprises an established group of large-scale farm buildings used for the storage of grain.
- 1.2 The proposal is to replace an existing barn silo and storage bin with two new modern storage buildings which will abut against each other.
- 1.3 The buildings will measure approximately 54m long, with a combined width of 30m. The buildings will stand 7.6m to eaves and 9.3m to the ridge.
- 1.4 Associated with the development is the provision of additional landscaping, which will soften the appearance of the new buildings.

2. Policies

2.1 PPG7 – The Countryside and Rural Economy

2.2 Hereford & Worcester County Structure Plan

A3 – Agricultural Buildings

2.3 Leominster District Local Plan (Herefordshire)

A09 – Design

A24 – Scale and Character of Development

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

DR1 – Design

DR4 – Environment

LA2 – Landscape character and areas least resilient to change

3. Planning History

NC01/3255/F .

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

4.3 Public Rights of Way Officer: No objection

5. Representations

5.1 Parish Council: No objection. They point out that, when work was last carried out on the site, screening was supposed to have been included. It is suggested that, as a condition for permission being granted, the applicants be asked to provide screening and appropriate landscaping to the front of the building.

5.2 Two letters of representation have been received from

Mr. Mrs & Miss Maxted, Maundfield Cottage, Poolhead, Bodenham
Mr P T Annesley, Maundfield Gate, Chapel Lane, Bodenham

The main areas of concern are:

- Noise/dust: problems of dust arise from use of an existing dryer and during the loading and unloading of lorries
- Highway/traffic: concern that replacement buildings provide more storage space and therefore will result in additional traffic movements
- Operating hours: deliveries have taken place early in the morning and it is recommended that a condition should restrict times to not before 7.30am
- Visual impact: it is recommended that the new buildings should be constructed in green cladding to match existing
- Landscaping: additional landscaping is recommended to the boundaries to lessen the visual impact of the development.

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

6. Officers Appraisal

6.1 The proposed buildings will replace a group of existing structures, which are more visually intrusive within this open landscape setting.

6.2 The applicant has agreed, in response to the concerns raised, to finish the walls to the buildings in a dark green to match existing and to provide landscaping adjacent to the buildings and along the road frontage.

- 6.3 With regard to the number of vehicular movements from the site, it is not anticipated that the proposed buildings will generate more traffic. The applicant has confirmed that whilst it is not general practice to work before 8am or after 5pm it is not possible to accept a restrictive condition regarding delivery and collection times due to seasonal working conditions including harvesting, which mean that activities on site will take place outside these times.
- 6.4 As the proposed works relate principally to the consolidation of an existing activity, the application is considered to be in accordance with adopted policy regarding development in the open countryside. The concerns regarding the colour finish to the building and need for additional landscaping area accepted and can be conditioned accordingly. The recommendation is therefore one of approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans)**

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

- 3 - Notwithstanding any details to the contrary on the submitted plans, the external surface of the walls shall be coloured a dark green, a sample of which shall first be agreed in writing prior to the commencement of development and the works shall thereafter be carried out in accordance with the approved details. REASON: to protect the visual amenities of the area.**

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

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNE2003/3874/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF THREE NEW DWELLINGS AT OAK TREE COTTAGE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NA

For: Miton Ltd per Ian Guest & Associates, 3 Juniper Way, Malvern Wells, Worcestershire, WR14 4XG

Date Received:
24th December 2003

Ward:
Hope End

Grid Ref:
71313, 40718

Expiry Date:
18th February 2004

Local Member: Councillors R Stockton and R Mills

Introduction

This application was deferred at the previous meeting to enable further negotiation with the applicant to secure relocation of the dwellings on Plots 1 and 2, 3m further forward on the site, and to save the Yew Tree. The applicant maintains that it is not possible to do so and be able to manoeuvre vehicles on site to exit in a forward gear as required by a previous outline condition.

1. Site Description and Proposal

- 1.1 The application site is a triangular shaped piece of land at the northern end of Wellington Heath, situated within the Settlement Boundary as identified in the Malvern Hills District Local Plan. The site is approximately 0.2 hectares in extent and is bounded to the west by the C1157 and to the south by the unclassified 66402 road. The roadside boundaries consist of native hedge and within the site are a number of other trees, mainly fruit trees but also a Yew Tree adjacent to the existing property lying on the western boundary of the site. The site slopes markedly from the boundary with the C class road to the boundary of the unclassified road. The site lies within the Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 1.2 This application follows the grant of outline planning permission for three dwellings in December 2002. The current application had been submitted as a reserved matters application, however, due to minor changes in the position of the access and dwellings which were not reserved as part of the outline application, it must be considered as a full application.
- 1.3 The proposal is for the erection of three detached dwellings in similar positions to those previously approved. The design utilises the sloping nature of the site, and requires considerable excavation. The design also picks up from elements of the properties on the opposite side of the minor road. The properties are all three bedroom, with the main entrance and one of the bedrooms situated at the ground floor. The majority of the accommodation is at first floor level. Hipped roofs are utilised to reduce the impact of the properties.

2. Policies

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundary
Housing Policy 17 – Residential Standards
Landscape Policy 2 – Areas of Outstanding Natural Beauty
Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

Policy H6 – Housing in Small Settlements
Policy LA1 – Areas of Outstanding Natural Beauty
Policy LA3 – Setting of Settlements
Policy LA5 – Protection of Trees, Woodlands and Hedgerows

Other Guidance

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

3. Planning History

NE02/3033/O – Outline Planning Permission for three dwellings granted 18th December 2002 (including demolition of existing cottage).

NE2000/3385/O – Demolition of existing dwelling and site for erection of two new dwellings and ancillary garages. Outline Permission granted 13th March 2001.

4. Consultation Summary

Statutory Consultations

4.1 Hyder – no response.

Internal Council Advice

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

4.3 The Chief Conservation Officer advises that given the previous Outline Planning Permission it is considered that comments must be restricted to the possibility of retention of the fine multi-stemmed ash along the eastern boundary. This is shown for retention though may be difficult given the access position that this tree could be retained. If however the applicant can demonstrate that the tree can be protected I would be pleased to discuss this.

5. Representations

5.1 Wellington Heath Parish Council: Reference is made to the differences to the layout approved during the outline application stage. They are concerned that the dwellings are located further up the site again, and that this has increased visual intrusion, and requires removal of the Yew tree (at variance with committee requirements previously).

Moving the access southwards threatens the Wild Service tree.

They consider that conditions imposed on the outline permission have not been adequately addressed.

More recently they have commented further as follows: They remain of the opinion that this is overdevelopment. That as the applicant did not appeal against outline conditions it must be assumed that they are reasonable and capable of compliance. They therefore recommend refusal unless

- 1) The Yew tree is preserved
- 2) The slab heights of any dwellings are such that views to the Malvern Hills from Ledbury Road and the Oak Tree are not obstructed, and that visual intrusion of the dwellings is minimised.

They considered that this can be achieved by moving Plots 1 and 2 3m eastwards and required deeply excavated slab levels.

If approved, they consider that all outline conditions should be re-imposed, plus materials, exterior lighting and restriction on use of the unauthorised access.

The applicant should arrange for any waste to go to Robins Hill Quarry 200m away.

5.2 The Area of Outstanding Natural Beauty Officer – no response.

5.3 In support of the application the applicant and agent advise:

3 dwellings on 0.2 ha is half the density required by PPG3.

The proposal is for 2-storey dwellings, not the 2½ -storey envisaged at outline stage – a net reduction in the height of the development.

The dwelling position has been moved further up the site to facilitate vehicle manoeuvring within the plots, which otherwise could not happen. The visual impact is reduced, as the previous 'sea of roofs' would be softened by brick and window relief below.

The Yew tree is a one off and offers little screening due to its shape. The poisonous nature is such that it would be preferable not to have it in a garden. The opportunity to impose a TPO arose a couple of years ago but adjudged inappropriate.

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 Although this application does not strictly conform to the conditions nor approved matters at outline stage, the outline planning permission is a material consideration in the determination of this application. The minor changes to the position of the dwellings has largely been due to the need to be able to turn vehicles on site which could not happen under the previous siting. The vehicular access has been moved slightly further south than previously agreed and as a consequence makes it more likely that the Ash tree can be retained.

- 6.2 Since the development of the site for three dwellings has already been regarded as acceptable in principle the main points for consideration in this application relate to the privacy and amenity issues of nearby residents, the scale and design of the development and the landscape issues. It is considered that despite the elevated nature of the site there will be no undue loss of privacy or amenity to occupiers of the properties on the opposite side of Common Road as a result of this development. Although the main living area is at first floor level and that balconies are included on the design these do not give cause for concern.
- 6.3 The design of the properties themselves are not dissimilar to the relatively modern properties on the opposite side of Common Road. In terms of scale of the properties by modern terms ridge heights of under 7 metres are very modest. Furthermore, the landscaping proposed and excavation of the site mean that the development would not impinge unreasonably on the character and visual amenity of the Area of Outstanding Natural Beauty and Area of Great Landscape Value.
- 6.4 Many of the concerns expressed by the Parish Council relate to conditions imposed on the Outline Planning Permission. Whilst that Outline Planning Permission is a material consideration, this application cannot be regarded as an application of reserved matters and those particular conditions if still appropriate, can be re-imposed. Reference is also made to the Yew tree on site. This is situated very close to the existing cottage which is to be demolished. The submitted layout plan indicates that this Yew tree is to be removed. Consideration was given at the time of the original Outline Application under code NE2000/3385/O for a Tree Preservation Order but no such Order exists. Given there is existing tree cover on the site the contribution of this Yew tree to that cover is not great. Consequently it is not considered that its loss is of sufficient weight to merit refusal of the application on that ground alone.

RECOMMENDATION

That planning permission be granted to the following conditions:

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

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

2 - 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 - H01 (Single access - not footway)(5 metres)

Reason: In the interests of highway safety.

5 - H03 (Visibility splays)(2 x 33 metres)

Reason: In the interests of highway safety.

6 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

7 - H12 (Parking and turning - single house)(3 cars per house)

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

8 - H26 (Access location)(The Common)

Reason: In the interests of highway safety.

9 - No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the landscape character of the site.

10 - No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.

(d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

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

11 - G19 - Existing trees which are to be retained

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

- 12 - Any damage caused to any tree which it has been agreed shall be retained shall immediately be notified to the local planning authority and any such remedial work as is advised by the Authority shall be undertaken immediately. As soon as possible thereafter such further work as is necessary to secure the preservation of the tree shall be undertaken in accordance with BS 3998:1989 Tree Work.

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

- 13 - Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

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

- 14 - The existing dwelling known as Oak Tree Cottage shall be demolished prior to work commencing on the construction of the new dwellings hereby permitted.

Reason: To clarify the terms of this permission.

- 15 - G01 (Details of boundary treatments)

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

- 16 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

- 17 - E16 (Removal of permitted development rights) (delete 'fence/gates')

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

Informatives:

- 1 - HN1
- 2 - HN4
- 3 - HN5
- 4 - HN10
- 5 - HN13
- 6 - HN22
- 7 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNE2004/0639/F - NEW DETACHED HOUSE AT
HIGHWOOD, UPPERFIELDS, LEDBURY,
HEREFORDSHIRE, HR8 1LE**

**For: Mr A A McKechnie per Mr A Clive 8A High Street
Ledbury Herefordshire HR8 1DS**

Date Received:
1st March 2004

Ward:
Ledbury

Grid Ref:
71151, 38157

Expiry Date:
26th April 2004

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

1. Site Description and Proposal

- 1.1 The application site forms part of the curtilage of the property known as Highwood, situated on elevated ground on the east side of Bank Crescent in Ledbury. The site is also served by a track along the eastern boundary known as Upperfields. The land slopes significantly from the east to the west.
- 1.2 The proposal is for the erection of a predominantly 2-storey dwelling close to the southern boundary of the site.
- 1.3 The property is T-shape in plan consisting of 3 bedrooms, sitting room, kitchen, utility and entrance hall. A balcony is proposed on the rear, i.e. west elevation of the property. The design includes a very shallow pitched roof with a ridge height above finished ground level of 6.5m. The eaves height of the building is approximately 5.3m. The slope of the site is such that considerable ground works will be required.
- 1.4 The southern boundary of the site, which runs very close to the property to the south known as Applegarth at 52 Bank Crescent, consists of tall, Cupressus style trees which have been trimmed of their lower branches. On the south side of this line of trees lies a variety of hedge and shrub type plants. The screening afforded by the trees will be on the higher levels of the property.
- 1.5 Access to the site and proposed single garage would be via the lane known as Upperfields.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 2 – Development in main towns
Housing Policy 17 – Residential Standards

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

H1 – Hereford and the market towns: Settlement boundaries
H13 – Sustainable residential design

3. Planning History

NE2001/2076/O - Outline planning permission for the erection of a dwelling, granted 24.9.01.

This was subject to a condition that the dwelling be restricted to single storey in height.

MH96/1440 - Outline planning permission for one dwelling. Approved 14.1.97. Subject to a similar condition restricting to a single storey height.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Head of Engineering and Transport: No objection.

5. Representations

5.1 Ledbury Town Council: Recommend approval.

5.2 Letters of objection has been received from Applegarth, 52 Bank Crescent, and Littlecroft, 56 Bank Crescent, making the following points:

1) The proposal would have a large impact on Applegarth, being only 2 ft from the boundary and is of an appropriate scale in relation to the size of the plot itself and the size as far as surrounding properties.

2) The proposed property would not follow the building line.

3) We understand that the border hedge should not be removed, however, as this is a full application, not a Reserved Matters. We are concerned that the hedge be removed.

4) A modern red brick, 2-storey split level dwelling is not in keeping with surrounding properties.

5) It will be overlooking from the kitchen, utility and living room windows of the back garden of Applegarth.

6) The balcony, even with a frosted glass screen only 8 ft from the bedroom window would not maintain privacy.

7) The privacy of the garden at 56 Bank Crescent would also be impaired through overlooking.

In addition to the objections above, further representations have been received from Bryncoed, Upperfields, Brilley, Upperfields, and The Lair, Upperfields, expressing concern about the adequacy of the Upperfields Lane, for vehicular access purposes.

5.2 In support of the application the applicant's agent advises that a full application has been made because of the former extent of the new plot has been altered to better accommodate the new building and to relieve pressure from the southern boundary, which has the closest neighbour. He advises that the building has been designed to take best advantage of the steeply sloping site and that a partial second storey has been located beneath the main living space where otherwise ground would need to be built up. Semi-opaque glass screens have been specified on the southern end of the balcony to inhibit overlooking of the neighbouring property. Upperfields boasts a

variety of building types using a wide range of materials. It is considered that the proposed building will fit in with the eclectic nature of the locale, there being no predominant style or type to refer to. The use of concrete interlocking flat slate type tiles allows a shallow pitched roof to be utilised. The submission was the subject of much debate with your previous planning officer and had been amended prior to submission accordingly.

- 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 One of the important elements in moving from a potential Reserved Matters application to a full application is not just the increasing site area, as referred to by the applicant's agent, but the fact that this proposal does not comply with a condition on the earlier outline requiring the development to be of single storey only. Nevertheless, the proposal remains to be considered on its own merits.
- 6.2 As the site lies within a primarily residential area, and as outline planning permission has previously been granted, the principle of development on the site is established. As a consequence, concerns about vehicular access along Upperfields have also previously been considered and do not substantiate a reason for refusal. The principal issues to be considered in this particular application therefore relate to the scale and character of the property together with the amenity of adjoining residents.
- 6.3 The scale of the dwelling proposed has necessitated an increase in the size of the plot, above that which was approved at outline stage. The wing of the dwelling which forms part of the 2-storey element projects into what is currently part of the garden of Highwood. The closest part of the dwelling to the western boundary is approximately 9.5m, however if the balcony is included this decreases to approximately 7m. The boundary to the south, i.e. 52 Bank Crescent, lies approximately 3m away. The proposed balcony is situated approximately opposite a first floor window in that property. The proposed screen on this side of the balcony will prevent overlooking. However, if approved, it is considered that a return along the western edge of the balcony in obscure glazing will enhance privacy for that occupier. There will clearly be an impact on the neighbour, particularly to No. 52, of the development. However, as the site lies to the north, overshadowing or loss of sunlight would not be an issue. The presence of the trees along the common boundary will reduce the visual impact of the property and prevent unreasonable levels of overlooking. It is considered that the property at 56 Bank Crescent would not be subject to a level of overlooking such that a reason for refusal could be sustained.
- 6.4 In terms of the scale and design of the property, the agent's description that it will fit in with the eclectic nature of the locale is apt. It is considered that the size of the plot can adequately accommodate a property of this size and there are no grounds for refusal on that aspect.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A07 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - Before the development hereby permitted is commenced details of the proposed screening to the balcony shall have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity.

5 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority may retain control over the scale of this development.

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 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

9 - F48 (Details of slab levels)

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

10 - 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.

11 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNE2004/1018/F - AGRICULTURAL MACHINE STORE
AND WORKSHOP AT TOWNEND FARM, BOSBURY,
LEDBURY, HEREFORDSHIRE HR8 1JT**

**For: JH & GN Andrews per A J Lowther & Son Ltd
The Works Whitchurch Ross-on-Wye Herefordshire
HR9 6DF**

Date Received:
22nd March 2004

Ward:
Hope End

Grid Ref:
70902, 42993

Expiry Date:
17th May 2004

Local Member: Councillor R Stockton and R Mills

1. Site Description and Proposal

- 1.1 The proposal is for the erection of a building of approximately 9.4m x 14m with a ridge height of 5.7m and eaves height of 4.8m. It is proposed to erect the building in brick and steel cladding to utilise as an agricultural machinery store and workshop. The site of the building is on the east side of the C1174 road just to the north of a property known as Evendine. The site benefits from an existing agricultural access and it is proposed to site the building just north of the access adjacent to the tree-lined hedge.
- 1.2 The site lies within an Area of Great Landscape Value.

2. Policies

2.1 Malvern Hills District Local Plan

Landscape Policy 3 – Development in Areas of Great Landscape Value
Landscape Policy 7 – Agricultural and Forestry Buildings and Roads

2.2 Unitary Development Plan Herefordshire (Deposit Draft)

LA2 – Landscape character and areas least resilient to change

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Chief Conservation Officer expresses concern about the scale of the building in an isolated position rather than adjacent to farm buildings. 'I could not support the siting of this building in this isolated position unless all options of siting the building close to, or within a farm complex or adjacent to other industrial units, have been explored.'
- 4.3 Head of Engineering and Transport: Advises insufficient detail for assessment to be made. Visibility splays of 2 x 33m are required with gates located to enable vehicles to wait to enter the site off the highway.

5. Representations

- 5.1 Bosbury Parish Council: 'Recommend approval of this application as we believe this additional building will be needed for Mr and Mrs Andrews to carry out their fruit and hop business. We also believe there is a letter to this effect from the applicants but have not had sight of this letter. Please note attached comments on the site map re size of site.'
- 5.2 CPRE: 'There are public footpaths all around this spot. The site is in most attractive countryside and the proposed building would be clearly visible from the east: eg from the area around Colwall Church. We think it would be a pity to detract from the setting by erecting an agricultural building. It seems to us more appropriate to site the proposed building near the other farm buildings. We therefore ask the Council to refuse this application.'
- 5.3 In response to questions about the siting from officers, the applicant advises that upon being made redundant upon sale of the hop farm at Brierley Court, his son took over most of Townend Farm and the house. 'I retain some land, 55 acres, of mostly hops and intensive cider fruit, and am now living in a house in Bosbury and in business from there. We have nowhere to keep various tractors, mowers, sprayers etc, which are currently stored outside at The Townend. The proposed site is accessible with electricity and water and surrounded on most sides by tall hedges. None of the other land available has all of these attributes.'

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 field in which it is proposed to site the building is centrally based and thus provides reasonable access to all other parcels of land owned by the applicant. It is also relatively close to Bosbury from where the applicant is running the business. Given the options available, it is considered that this is an appropriate location for the building. It is also relevant to advise that if the building were to be moved more than 25m from the road it would benefit from permitted development rights. It is currently sited adjacent to the hedgerow where maximum screening is afforded. As there is an existing field access it is not considered that the concerns of the Head of Transportation and Engineering would warrant a refusal. Conditions can be imposed to ensure adequate turning within the site.

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 - Before the development hereby approved is commenced details of the precise location of the building shall have been submitted to and approved in writing by the local planning authority.

Reason: For the avoidance of doubt.

- 4 - H13 (Access, turning area and parking) (delete 'shown on approved plan')

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**DCNE2004/0801/F - CONSTRUCTION OF
AGRICULTURAL BUILDING AND MANEGE AT BROOK
HOUSE, BISHOPS FROME, HEREFORDSHIRE, WR6
5BG**

**For: Mr Watson per Mr A J Griffiths Greenacre
Suckley Worcs WR6 5EH**

**Date Received:
3rd March 2004**

**Ward:
Frome**

**Grid Ref:
67471, 49564**

**Expiry Date:
28th April 2004**

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The application site relates to a parcel of agricultural land situated adjacent to the property known as Brook House, Bishops Frome. The site lies on the south side of the unclassified 65613 road in an Area of Great Landscape Value. The north side roadside boundary comprises of hedgerow while to the south are more mature trees with the land sloping away in this direction towards the stream.
- 1.2 The proposal is for the erection of a portal framed modern style agricultural building to house 5 stables and a tack room together with a fodder and bedding store area. This building, which measures approximately 22m x 12m with a ridge height of approximately 5.2m is to be located in the north-west corner of the site adjacent to the road. Just beyond the building a new access is proposed and a 60m x 20m menage is proposed on the bottom part of the site. The menage is to be enclosed by a 1.4m high post and rail fence. The siting of the building will require some excavation into the bank below the hedge.

2. Policies

2.1 Malvern Hills District Local Plan

Recreation Policy 13 – Horses and stables in the countryside

Landscape Policy 3 – Development in Areas of Great Landscape Value

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objection to the proposed development but make the following comment:

'All wash waters, manures and stable waste shall be collected, stored and disposed of in accordance with the DEFRA Code of Good Agricultural Practice for the protection of water.'

Internal Council Advice

4.2 Head of Engineering and Transport: No objection subject to conditions.

4.3 Head of Environmental Health and Trading Standards has no comment.

5. Representations

5.1 Bishops Frome Parish Council states: 'Adjacent residents have expressed concern over the excessive size of the proposed buildings and arena, and have asked for some sort of undertaking that they will not be used for hire or business purposes. The occupant of The Manor, who overlooks the site, has asked that no arena lighting should be used.'

5.2 Acton Beauchamp Parish Council 'object on the grounds that it is too large a proposal, access too big for lane, possibly not agricultural but commercial, not enough ground for 5 horses and could pollute nearby stream.'

5.3 CPRE ask the Council to refuse the application on the basis the large building would be out of place in this setting and would significantly detract from visual amenity. Buildings lower in height and smaller in scale would be more appropriate.

5.4 Objections have been received from

The Old Rectory, Acton Beauchamp
Firlands, Bishops Frome
Firlands Cottage, Bishops Frome

The objections are summarised below:

- 1) Concern that this will become a business use
- 2) The site is unsuitable for such a large development
- 3) The blind corner is dangerous, particularly for horse boxes
- 4) Materials are unsightly
- 5) The building is too big for the needs
- 6) Lighting would be undesirable
- 7) Ash trees are not appropriate planting in local heavy soil close to buildings

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 Recreational Policy 13 of the Malvern Hills District Local Plan sets out the criteria for considering such a proposal. In this instance, other than the applicant's dwelling, which is adjacent to the site, there are no other buildings within which to group this particular proposal. It is not considered that a building of the size proposed is unduly large and that its agricultural appearance would be unusual in such areas.

Excavation of the site immediately behind the hedgerow of approximately 1.8m will reduce the impact further.

- 6.2 The existing field access is in a dangerous location. However, the proposal proposes to move the access further along the lane away from this bend and the Head of Transportation and Engineering has no objection to this.
- 6.3 Landscape Policy 3 of that document requires particular attention to be paid to the effect of the proposal on the landscape and to appropriate siting, scale and design of development. In this instance, it is considered that subject to the imposition of suitable conditions the proposal is acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - F48 (Details of slab levels)

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

4 - E11 (Private use of stables only)

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

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 - H01 (Single access - not footway) (5 metres)

Reason: In the interests of highway safety.

8 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

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

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.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.