

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 26th January, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 5th January, 2005.	1 - 26
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items 6, 7, 8, 9 & 10 are applications deferred at the last meeting and items 11, 12 & 13 are new applications.	
6. DCNW2004/3221/F - SITE FOR MOBILE HOME FOR AGRICULTURAL MANAGEMENT OF LIVESTOCK (TEMPORARY) AT LAND AT WOONTON, HEREFORDSHIRE FOR: MR J MILLS PER MCCARTNEYS THE OX PASTURE OVERTON ROAD LUDLOW SHROPSHIRE SY8 4AA	27 - 32
Ward: Castle	

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| 7. | DCNW2004/3597/F - PROPOSED 2 STABLES AND TACK ROOM ON 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HR3 6ND FOR: MR & MRS S & S HARRIS, PINE TREE COTTAGE, 7 CHURCH ROAD, EARDISLEY, HEREFORDSHIRE, HR3 ENJ | 33 - 36 |
| | Ward: Castle | |
| 8. | DCNW2004/3725/F - CHANGE OF USE FROM Paddock TO RESIDENTIAL GARDEN AND RETENTION OF PART OF DECKING AT THE BOTHY, LOWER HERGEST, KINGTON, HEREFORDSHIRE FOR: MR D BROADLEY AT ABOVE ADDRESS | 37 - 44 |
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| 9. | DCNC2004/3716/F - CHANGE OF USE OF GROUND FLOOR TO SNOOKER HALL AT BROOK HALL, 27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE AND DCNC2004/3717/L - AS ABOVE FOR: MR M ROBERTS PER MR T MARGRETT GREEN COTTAGE HOPE MANSEL ROSS-ON-WYE HEREFORDSHIRE HR9 5T | 45 - 50 |
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| 10. | DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE FOR: KINGTON BUILDING SUPPLIES LTD PER GARNER SOUTHALL PARTNERSHIP, 3 BROAD STREET, KNIGHTON, POWYS, LD7 1BL | 51 - 60 |
| | Ward: Kington Town | |
| 11. | DCNW2004/3419/F - PROPOSED BARN CONVERSION TO 3 BEDROOMED DWELLING AT TRADITIONAL BARN (ADJ STANSBATCH HOUSE), STANSBATCH, STAUNTON-ON-ARROW FOR: A H MORRIS & SON PER MCCARTNEYS 46 HIGH STREET BUILTH WELLS POWYS LD2 3AB | 61 - 68 |
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| 12. | DCNW2004/3904/F - PROPOSED DECKING AREAS, CREATION OF BIN STORE AND GENERAL LANDSCAPING AT THE JOLLY FROG THE TODDEN LEINTWARDINE CRAVEN ARMS SHROPSHIRE SY7 0LX FOR: J A TAIT AT THE SAME ADDRESS | 69 - 72 |
| | Ward: Mortimer | |
| 13. | DCNW2004/4118/F - PROPOSED REMOVAL/ DEMOLITION OF 2 INDUSTRIAL UNITS AND THE ERECTION OF HOUSE AND GARAGE ON LAND BEHIND WALCOTE BUNGALOW, HIGH STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DT AND DCNW2004/4119/C FOR: MR J A PRICE PER MR D WALTERS, 27 | 73 - 80 |

ELIZABETH ROAD, KINGTON, HEREFORDSHIRE, HR5 3DB

Ward: Pembridge & Lyonshall with Titley

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 5th January, 2005 at 2.00 p.m.

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

Councillors: B.F. Ashton, Mrs. L.O. Barnett, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, 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 and J.P. Thomas

In attendance: Councillors P.J. Edwards

139. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S Bowen, RBA Burke, K Grumbley and RJ Phillips.

140. DECLARATIONS OF INTEREST

Name	Item	Interest
Cllr Mrs JP French	– DCNC2004/3716/LF – Change of use of ground floor to snooker hall at Brook Hall, 27 Broad Street, Leominster, Herefordshire – DCNC2004/3717/L – As above for: Mr M Roberts per Mr T Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire, HR9 5TJ	Prejudicial and left the meeting for the duration of this item.
Cllr JHR Goodwin	DCNW2004/3416/O - Site for one bungalow at land between Oakland and Gipsy Hall, Eardisley, Hereford, Herefordshire, HR3 6PR	Prejudicial and left the meeting for the duration of this item.
Cllr R Mills	DCNE2004/3660/F - Two houses and garages to replace existing bungalows at 1, 2, 3 - 4 Station Bungalows, Colwall, Malvern, Herefordshire, WR13 6ED &	Personal
	DCNE2004/3866/F – Change of use to form additional car parking at land adjacent to the Kettle Sings, Jubilee Drive, Upper Colwall, Malvern, Worcestershire WR14 4DX	Personal
	DCNE2004/3866/F – Change of use	

Cllr RV Stockton	to form additional car parking at land adjacent to the Kettle Sings, Jubilee Drive, Upper Colwall, Malvern, Worcestershire WR14 4DX	Personal
Mr A Poole (Development Control Manager)	DCNC2004/3516/F - Conversion of Farmhouse and Oast House to provide 3 no dwellings. Garaging and stables at Brierley Court , Brierley, Leominster, Herefordshire, HR6 0NU DCNC2004/3517/L – AS ABOVE	Prejudicial and left the meeting for the duration of this item.

141. MINUTES

RESOLVED: That the minutes of the meeting held on 5 January 2005 be approved as a correct record and signed by the Chairman.

142. ITEM FOR INFORMATION - APPEALS

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

The Sub-Committee considered the following planning applications received for the Northern Area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.

143. DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE FOR: KINGTON BUILDING SUPPLIES LTD PER GARNER SOUTHALL PARTNERSHIP, 3 BROAD STREET, KNIGHTON, POWYS, LD7 1BL (AGENDA ITEM 5)

In accordance with the criteria for public speaking Mrs Bradbury spoke on behalf of Kington Town Council and Mr Otter spoke against the application.

The Committee discussed details of the application and shared the concerns of the objectors that it was likely to constitute over development of the site. It was felt to be advantageous if the applicant could be persuaded to reduce the number of dwellings on the site.

RESOLVED

That consideration of the application be deferred pending further discussions between the officers and the applicant about the possibility of the number of dwellings proposed for development on the site being reduced.

144. DCNE2004/0951/O - SITE FOR DETACHED DWELLING AT FORGE COURTYARD, CANON FROME, LEDBURY, HEREFORDSHIRE, HR8 2TG FOR: CANON FROME DEVELOPMENTS PER C A MASEFIELD BUILDING DESIGN SERVICES 66-67 ASHPERTON ROAD MUNSLEY LEDBURY HEREFORDSHIRE HR8 2RY (AGENDA ITEM 6)

RESOLVED

That planning permission be granted subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

3. Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

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

4. The play area identified on the approved plans shall be maintained in perpetuity by the owners of the dwelling approved under this permission.

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

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

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

6. The play area shall be constructed and be available for use prior to the occupation of the dwelling hereby approved. The play area shall be constructed in accordance with the details submitted under cover of letter dated 20th August 2004 unless otherwise agreed in writing by the Local Planning Authority.

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

145. DCNE2004/2989/F - PROPOSED RESIDENTIAL DWELLING AT EASTNOR HOUSE, WORCESTER ROAD, LEDBURY, HEREFORDSHIRE, HR8 1PLFOR: MR P BRAZIL PER MR P D JONES 92 ROBINSONS MEADOW LEDBURY HEREFORDSHIRE HR8 1SX (AGENDA ITEM 7)

In accordance with the criteria for public speaking Mrs Wilde spoke against the application.

The local ward Councillors had grave reservations about the application because of traffic congestion and highway safety, unsatisfactory vehicular access and related problems of vehicles parking and obstructing local footpaths, of privacy, amenity and lack of parking. They felt that this type of development should be resisted unless it provided adequate means of overcoming such difficulties.

RESOLVED

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

1. The development proposed would result in an unreasonable level of overlooking and consequent loss of privacy to the private garden space of the adjoining dwellings. The local planning authority considers that the resultant adverse effect on residential amenity would be unacceptable and contrary to policies H3 and H17 of the adopted Malvern Hills District Local Plan.
2. The Local Planning Authority considers that the intensified use of the existing vehicular access would prove prejudicial to both the free flow of traffic and highway safety along the busy A449 Worcester Road.
3. It is considered that the development proposed would result in an unacceptable reduction in the provision of on-site parking provision contrary to the requirement for 1.5 spaces/dwellings specified under Transport Policy 8 of the adopted Local Plan.

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

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

146. DCNE2004/3472/F - PROPOSED HOLIDAY PARK TO INCLUDE 6 LODGES FOR ALL YEAR ROUND SELF-CATERING HOLIDAYS AND B&B (12 MONTHS HOLIDAY USE) AT NEWBRIDGE, AYLTON, LEDBURY, HEREFORDSHIRE, HR8 2QG FOR: W P GARDNER AT THE COACH HOUSE, AYLTON, LEDBURY (AGENDA ITEM 8)

Councillor RM Manning the local ward Member said that he had received a telephone call from the Chairman of Pixley and District Parish Council to say that he did not feel that their comments had not been fully reported in the Agenda. Councillor Manning read out the contents of the letter that had been submitted by the Parish Council to the Council regarding the application.

The Northern Team Leader reported that the Environment Agency has no objection subject to conditions.

RESOLVED

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning authority on 14th December 2004.

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

3. The whole of the external walls and roof of the buildings, including cladding, shall be constructed and finished in accordance with a schedule of materials and finishes which shall first have been submitted to and approved by the local planning authority before the development is commenced.

Reason: To secure properly planned development.

4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

6. The landscaping scheme required by condition No. 4 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

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

7. Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 6 metres from the nearside edge of the adjoining carriageway. On each side of the set back entrance

splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6 metres above the relative level of the adjoining carriageway.

Reason: In the interests of highway safety.

8. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 215 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

9. The development hereby permitted shall not be brought into use until the turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety.

10. The building which is the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: It would be contrary to policy to permit non-holiday accommodation in this location.

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

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

12. Floor levels of the lodges shall be set at or above 58.00 metres AOD unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the development from flood risk.

13. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.

Reason: To prevent pollution of the water environment.

14. 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Informative:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

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

147. DCNE2004/3660/F - TWO HOUSES AND GARAGES TO REPLACE EXISTING BUNGALOWS AT 1, 2, 3 - 4 STATION BUNGALOWS, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EDFOR: MR & MRS J C JUSTICE-CARRIER PER MR N J TEALE BRAMBLE FARM NAUNTON UPTON-UPON-SEVERN WORCESTERSHIRE WR8 0FZ (AGENDA ITEM 9)

RESOLVED

That planning permission be approved subject to the following conditions:

The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. No development shall take place until details or samples of materials to be used externally on 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.

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

3. Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.

Reason: To safeguard the character and appearance of this part of the Area of Outstanding natural Beauty.

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

Reason: To protect the amenity of local residents.

5. Prior to the commencement of development the developer shall afford access at all reasonable times to any ecologist nominated by the local planning authority for the purpose of observing and recording the biological features of the site and any plants and animals thereon.

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

6. This permission does not authorise any works to trees included in the Tree Preservation Order. Any work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

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

7. 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 topsoil.

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

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before either of the dwellings is occupied. Development shall be carried out in accordance with the approved details.

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

9. The development hereby permitted shall not commence until an area has been laid out, consolidated, surfaced and drained within the application site [in accordance with the approved plans] for the parking of 6 cars, and for vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.

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

10. Notwithstanding the provisions of the Town and Country Planning

(General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls/garages/building/extension/dormer windows shall be erected or constructed other than those expressly authorised by this permission.

Reason: In order to control further development in the Area of Outstanding Natural Beauty.

Informatives:

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

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

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

2. The applicant should be aware of the possibility that asbestos is contained in the existing bungalows and that if so appropriate measures should be taken for its removal.

148. DCNE2004/3866/F - CHANGE OF USE TO FORM ADDITIONAL CAR PARKING AT LAND ADJACENT TO THE KETTLE SINGS, JUBILEE DRIVE, UPPER COLWALL, MALVERN, WORCESTERSHIRE WR14 4DX FOR: MALVERN HILLS CONSERVATION PER AUBREY ROPER, DOLEFIELD COTTAGE, BANK FARM, MATHON, WEST MALVERN, WORCESTERSHIRE WR13 6DN (AGENDA ITEM 10)

The receipt of a letter of objection was reported.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2 - G07 (Details of earth works)

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

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

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

Informative:

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

149. DCNC2004/2407/F - CHANGE OF USE OF REDUNDANT OUTBUILDING TO FORM A SINGLE DWELLING AT REAR OF FORMER MAGISTRATES COURT, 15-17 BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE AND DCNC2004/2408/L - AS ABOVE FOR: P SHOCK, THE OLD SCHOOL HOUSE, EYTON, LEOMINSTER, HEREFORDSHIRE, HR6 0AG (AGENDA ITEM 11)

RESOLVED

DCNC2004/2407/F

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. The premises shall be used for C3 domestic use only and for no other purpose.

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

3. Notwithstanding the approved drawings, details of the following shall be submitted to and approved by the local planning authority prior to the commencement of any works. The development shall be carried out in accordance with the approved details:-

- (a) joinery details
- (b) meter box positions

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls/garages/building/extension/dormer windows shall be erected or constructed other than those expressly authorised by this permission.

Reason: To bring any future development within planning control.

Informatives:

1. Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before commencement of work.

2. Your attention is drawn to the Party Wall Act 1996. The Act will apply

where work is to be carried out on the following:

Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the ODPM publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

3. The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Policy A2: Settlement hierarchy
Policy A24: Scale and character of development
Policy A54: Protection of residential amenity

DCNC2004/2408/L

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

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

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

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

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

3 - C03 (external elevations)

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

Informatives:

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

150. DCNC2004/2578/F - CONVERSION OF REDUNDANT AGRICULTURAL BUILDING INTO A SINGLE DWELLING AT BUILDING ADJOINING THE SALLIES, LITTLE COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4RQ FOR: MR & MRS J HODGES PER MR R BURRSTON, FOXHALL, BRINGSTY COMMON, WORCESTER, WR6 5UN (AGENDA ITEM 12)

In accordance with the criteria for public speaking Mrs Chadwick spoke against the application

RESOLVED

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences/gates/walls/garages/building/extension/dormer windows shall be erected or constructed other than those expressly authorised by this permission.

Reason: To bring any future development under planning control.

3. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 45 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

4. Any new access gates shall be set back 6 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

5. The change of use hereby permitted shall not commence until an area has been properly laid out, consolidated, surfaced, drained and the spaces demarked on the ground within the application site for the parking of 2 cars and for cars to turn so that they may enter and leave the application site in a forward gear. These shall thereafter be retained and kept available for those uses at all times.

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

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

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

Informatives:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. This planning permission does not authorise the applicant to carry out

works within the publicly maintained highway and Mr. T.E. Davies, Area Manager (North), MEB Buildings, 42 West Street, Leominster, HR6 8BT Tel: 01432-261776 shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

3. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

4. The decision to grant planning permission has been taken having regard to the policies and proposals in the Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Conservation Policy 12: Residential conversion of agricultural and other rural buildings

Landscape Policy 1: Development outside settlement boundaries

151. DCNC2004/2965/RM - PROPOSED DETACHED SEMI-BUNGALOW WITH GARAGE ON LAND ADJACENT TO OAKLANDS, EDWYN RALPH, BROMYARD, HEREFORDSHIRE, HR7 4LX FOR: MR G MORRIS PER MR N LA BARRE, EASTERS COURT, LEOMINSTER, HEREFORDSHIRE, HR6 0DE (AGENDA ITEM 13)

In accordance with the criteria of public speaking Mr McGiver spoke against the application

RESOLVED

That approval of reserved matters be granted:

Informatives:

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

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

152. DCNC2004/2996/F - CONVERSION TO 7 BED RESIDENTIAL CARE HOME AT LEDWYCHE SPRINGS, BLEATHWOOD, HEREFORDSHIRE, SY8 4LF FOR: MR J BROWN OF 20 THE GREEN, MOUNTSORREL, LEICS, LE12 7AF (AGENDA ITEM 14)

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 - A11 (Change of use only details required of any alterations)

Reason: To define the terms under which permission for change of use is granted.

3 - E10 (Use restricted to that specified in application)

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the amenity of the area.

Informative:

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

- 153. DCNC2004/3516/F - CONVERSION OF FARMHOUSE AND OAST HOUSE TO PROVIDE 3 NO DWELLINGS. GARAGING AND STABLES AT BRIERLEY COURT , BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU AND DCNC2004/3517/L - AS ABOVE FOR: S & A PROPERTY LTD PER BATTERHAM MATTHEWS DESIGN LTD, 1 TOLLBRIDGE STUDIOS, TOLLBRIDGE ROAD, BATH, WILTS, BA1 7DE (AGENDA ITEM 15)**

The Principal Planning Officer reported that amended plans had been received which addressed his concerns and those raised by the Conservation Officer.

**RESOLVED
NC04/3516/F**

That the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2 - A09 (Amended plans)

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

3 - E16 (Removal of permitted development rights)

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

4 - B01 (Samples of external materials)

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

5 - No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the local planning authority. No

part of the development shall be brought into use until such treatment plant has been installed in accordance with the approved details and is in use to the satisfaction of the Local Planning Authority

Reason: To prevent pollution of the water environment.

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

Reason: In the interests of highway safety.

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

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

- 8 - G04 (Landscaping scheme (general))

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

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

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

- 10 - Personal use of stables.

Informatives:

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

NC04/3517/L

The officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent subject to the following conditions and any additional conditions considered necessary by officers:

- 1 - C01 (Time limit for commencement (Listed Buildings))

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

Informative:

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

154. DCNC2004/3716/F - CHANGE OF USE OF GROUND FLOOR TO SNOOKER HALL AT BROOK HALL, 27 BROAD STREET, LEOMINSTER, HEREFORDSHIRE – AND DCNC2004/3717/L - AS ABOVE FOR: MR M ROBERTS PER MR T MARGRETT, GREEN COTTAGE, HOPE MANSEL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TJ (AGENDA ITEM 16)

It was reported that Leominster Town Council had requested that consideration of

the application be deferred pending appraisals by British Archeology and the Victoria and Albert Museum.

The Local Ward Member Councillor Brigadier Jones CBE asked for the application to be deferred pending the receipt of the views of the Conservation Officer.

RESOLVED

NC04/3716/F AND NC04/3717/L

That consideration of the applications be deferred pending plans and details required by the Chief Conservation Officer

- 155. 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 (AGENDA ITEM 17)**

In accordance with the criteria of public speaking Mr Taylor the applicants agent spoke on behalf of the application.

RESOLVED

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 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) and PPG 13.**
- 4. The site lies within the Indicative Flood Plain of the Curl Brook, and in the absence of a Flood Risk Assessment, it is considered that it would result in an unacceptable loss of flood flow and storage capacity that would result in an increased risk of flooding elsewhere and in the absence of clear evidence relating to a dry access to the site there would be an increased risk to human life. The proposal would therefore be contrary to Policy A15 of the Leominster District Local Plan**

(Herefordshire) and the guiding principles established in PPG 25 - Development and Flood Risk.

156. DCNW2004/2748/F - EXTENSIONS TO UNITS 5 & 6 TO PROVIDE ADDITIONAL PRODUCTION AREAS AND STORAGE AT UNITS 5 & 6 WHITEHILL PARK INDUSTRIAL ESTATE, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8QU FOR: J & S PROPERTIES PER MR A LAST, BROOKSIDE COTTAGE, KNAPTON, BIRLEY, HEREFORDSHIRE, HR4 8ER (AGENDA ITEM 18)

RESOLVED

That subject to there being no valid planning objection not previously considered, from any party by the end of Conservation Area advertisement period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any additional conditions considered necessary by officers.

1. A01 – Time limit for commencement (full permission)

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

2. A09 [9th September 2004 and 10th November 2004]

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

3. B01 – Samples of external materials

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

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

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

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

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

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

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

7. H15 – Turning and parking: change of use - commercial [in accordance

with approved plans] [for the parking of 10 cars]

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

Informatives:

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

157. DCNW2004/2883/L - RESTORATION & CONSERVATION OF HALL. NEW GROUND SURFACE WATER COLLECTION DETAIL & NEW LIGHTING & POWER AT PEMBRIDGE MARKET HALL, PEMBRIDGE, HEREFORDSHIRE FOR: THE PEMBRIDGE AMENITY TRUST PER MR T HEWETT, TREVOR HEWETT ARCHITECTS, 25 CASTLE STREET, HEREFORD, HR1 2NW (AGENDA ITEM 19)

In accordance with the criteria of public speaking Mrs Butler spoke on behalf of the application.

RESOLVED

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

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

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

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

2. D01 – Site investigation – Archaeology

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

3. C02 – Approval of details.

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

4. C12 – REPAIRS TO MATCH EXISTING

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

5. C18 - DETAILS OF ROOFING

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

Informatives:

1. NC1 – Alterations to submitted and approved plans.
2. ND3 – Contact Address

3. N03 – Adjoining Property Rights
4. N15 – Reasons for the grant of LBC

158. DCNW2004/3130/F - CHANGE OF USE TO SITE FOR FIVE STATIC HOLIDAY CARAVANS AT SWAN INN, LETTON, HEREFORDSHIRE, HR3 6DH FOR: MR & MRS T LEWIN PER MR J E SMITH, PARKWEST, LONGWORTH, LUGWARDINE, HEREFORD, HR1 4DF (AGENDA ITEM 20)

In accordance with the criteria of public speaking Mrs Cadman spoke against the application and Mr Smith spoke in favour.

RESOLVED

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. The development shall be carried out in all respects strictly in accordance with the site plan amended on 29 October 2004 and received on 4 November 2004, except where otherwise stipulated by conditions attached to this permission.

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

3. The building which is the subject of this application shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

4. The caravans shall only be occupied between 1st April and 30th September.

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

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

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

6. No external surface of any static caravan hereby approved shall be of a colour other than one which has previously been approved in writing by

the local planning authority for that purpose.

Reason: To minimise visual intrusion.

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

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

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

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

9. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

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

11. None of the existing trees or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.

Reason: To safeguard the amenity of the area.

12. Before the development is commenced a scheme indicating the provision to be made for disabled people to gain access to the static caravans shall be submitted to and approved by the local planning authority. The agreed scheme shall be implemented before the development hereby permitted is

brought into use.

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

13. The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

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

14. Prior to the first occupation of any of the static holiday caravans hereby approved, details relating to the display of flood warning signs within the site shall be submitted to and approved by the local planning authority. The approved signage shall thereafter be retained such that it is visible at all time during the occupation of the static caravans. In addition, flood warning and evacuation procedure notices should be clearly displayed on the site and within each static caravan.

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

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

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

Informative:

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Leominster District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

A2(D) - Settlement Hierarchy
A9 - Safeguarding the Rural Landscape
A12 - New Development and Landscape Schemes
A15 - Development and Watercourses
A16 - Foul Drainage
A18 - Listed Buildings and Their Settings
A24 - Scale and Character of Development
A38 - rural Tourism and Recreational Activities
A39 - Holiday Chalet, Caravan and Camping Sites
A54 - Protection of Residential Amenity
A70 - Accommodating Traffic from Development

159. DCNW2004/3221/F - SITE FOR MOBILE HOME FOR AGRICULTURAL MANAGEMENT OF LIVESTOCK (TEMPORARY) AT LAND AT WOONTON, HEREFORDSHIRE FOR: MR J MILLS PER MCCARTNEYS, THE OX PASTURE, OVERTON ROAD, LUDLOW, SHROPSHIRE, SY8 4AA (AGENDA ITEM 21)

RESOLVED

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

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

160. DCNW2004/3247/F - SUBSTITUTION OF HOUSE TYPES ON APPROVED APPLICATION NW2003/2583/F AT LAND TO THE REAR OF STONELEIGH, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9QS FOR: MR & MRS AM & J PUGH PER JENNINGS HOMES LTD, NEW PARK HOUSE, BRASSEY ROAD, SHREWSBURY, SHROPSHIRE, SY2 7FA (AGENDA ITEM 22)

The receipt of comments from the Water Authority was reported.

In accordance with the criteria of public speaking Miss Eastlaugh of Kingsland Parish Council and Mrs Maddox spoke against the application.

The Vice-Chairman had serious reservations about the application and was of the view that the proposed dwellings and garages constituted a considerable over development of the site and would have an adverse impact upon the local environment and adjoining properties. The Senior Planning Officer provided more details about the dwellings and layout and explained why the proposals were acceptable on planning grounds. Having considered all the details about the application the Sub-Committee felt that there were a number of grounds for it to be refused.

RESOLVED

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

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

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

3.The proposed development, by reason of its siting, design and scale,

would be harmful to the character and appearance of the Kingsland Conservation Area. The proposal is therefore considered contrary to Leominster District Local Plan policy HBA6.

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

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

161. DCNW2004/3350/O - DEMOLITION OF EXISTING DWELLING & OUTBUILDINGS, CONSTRUCTION OF 2 X 5-BEDROOMED DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ FOR: SD & JM WICKS PER MR FUNGE, STEPHEN FUNGE ARCHITECTURAL DESIGN, DARTMOOR VIEW, QUEEN STREET, WINKLEIGH, DEVON, EX19 8JB (AGENDA ITEM 23)

It was reported that the Leintwardine Parish Council have asked for a deferral of the application because they felt that they had been given insufficient time to speak to the officers about it.

In accordance with the criteria of public speaking Mr Kerr spoke against the application.

Having considered details of the application the sub-committee felt that the proposed dwellings were out of keeping with the local environment and would have an adverse affect upon the adjoining property.

RESOLVED

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

- 1 The application site occupies a prominent and relatively elevated position within a predominantly low density residential area, the landscape quality of which is recognised by its designation within a Landscape Protection Area. The proposed development of the site with 2 large 5-bed dwellings, by reason of the scale, massing and number of dwellings, would result in cramped and unacceptable over-development and the loss of important open space, detrimental to the character and appearance of the site and its environs. Accordingly, the proposal would be contrary to Policy CTC9 of the Hereford and Worcester County Structure Plan, Policies A1, A2(c), A9, A24 and A25 of the Leominster District Local Plan (Herefordshire) and Policies DR1, HR4 and HBA9 of the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) and the advice and guidance set out in the Leintwardine Village Design Statement.

- (b) If the Head of Planning does not refer the application to the Planning

Committee Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.

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

- 162. DCNW2004/3416/O - SITE FOR ONE BUNGALOW AT LAND BETWEEN OAKLAND AND GIPSY HALL, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6PR FOR: MR J W MOKLER PER ARKWRIGHT OWENS, BERRINGTON HOUSE, 2 ST NICHOLAS STREET, HEREFORD, HR4 0BQ (AGENDA ITEM 24)**

In accordance with the criteria of public speaking Mr Mokler spoke in favour of his brothers application.

RESOLVED

That planning permission be refused for the following reasons:

It is not considered that an essential need for the proposed dwelling has been established and as such the proposal is contrary to Policy H20 of the Hereford & Worcester County Structure Plan, Policies A2(D) and A43 of the Leominster District Local Plan (Herefordshire), Policies H7 and H8 of the draft Herefordshire Unitary Development Plan and the guiding principles set out in Annexe A of PPS 7.

- 2. The proposed dwelling in terms of its siting and elevated position would appear isolated in the landscape and out of keeping with its open character and appearance. It would therefore be contrary to Policy A9 of the Leominster District Local Plan (Herefordshire).**

- 163. DCNW2004/3597/F - PROPOSED 2 STABLES AND TACK ROOM ON 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HR3 6ND FOR: MR & MRS S & S HARRIS, PINE TREE COTTAGE, 7 CHURCH ROAD, EARDISLEY, HEREFORDSHIRE, HR3 ENJ (AGENDA ITEM 25)**

RESOLVED

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

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

- 164. DCNW2004/3669/F - CONSTRUCTION OF 2 POLYTUNNELS FOR CONTAINER PLANT PRODUCTION AT CREDALE NURSERY, UPPER HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0JZ FOR: MR E SMITH AT SAME ADDRESS (AGENDA ITEM 26)**

In accordance with the criteria of public speaking Mrs Underwood spoke against the application and Mr Smith spoke in favour.

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 - F20 (Scheme of surface water drainage)**

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

- 3 - G07 (Details of earth works)**

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

Informatives:

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

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

- 165. DCNW2004/3725/F - CHANGE OF USE FROM PADDOCK TO RESIDENTIAL GARDEN AND RETENTION OF PART OF DECKING AT THE BOTHY, LOWER HERGEST, KINGTON, HEREFORDSHIRE FOR: MR D BROADLEY AT ABOVE ADDRESS. (AGENDA ITEM 27)**

RESOLVED

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

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

- 166. DATE OF NEXT MEETING**

26th January, 2005

The meeting ended at 4.50 p.m.

CHAIRMAN

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

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

Date Received:
28th September 2004

Ward:
Castle

Grid Ref:
35862, 51886

Expiry Date:
23rd November 2004

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The application site comprises a 0.02 hectare plot of land to the south of the two farm buildings found in this location. Mr Mills currently resides at Lower Wootton Farm where 37 hectares are farmed. Six years ago Mr Mills purchased a further 34 hectares and it is in relation to this land and the associated farm buildings that permission is now sought for the mobile home. The land associated with this application has previously been laid to arable crops. It is now intended to develop the livestock enterprise on this site.
- 1.2 The proposal is for a mobile home to be located to the rear of the agricultural buildings currently found on site. The application as originally submitted called for a location adjacent to the existing farm buildings but this was amended due to concerns over the impact on the landscape and visual amenities of the locality.

2. Policies

2.1 National Policies

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

2.2 Hereford and Worcester County Structure Plan

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

2.3 Leominster District Local Plan

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

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

2.4 Herefordshire Unitary Development Plan (Deposit Draft)

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

3. **Planning History**

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

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

NW98/0357/N: Agricultural building – Approved, 25th September 1998

4. **Consultation Summary**

Statutory Consultations

4.1 Environment Agency – Raised no objection

4.2 Welsh Water raised no objection

Internal Council Advice

4.3 Traffic Manager - Raised no objection to the proposed development

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

5. **Representations**

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

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

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

The comments raised can be summarised as follows:-

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

6. Suggestion of two dwellings being needed.

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

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

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

6. Officers Appraisal

Principle of Development

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

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

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

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

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

Other Issues

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

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

RECOMMENDATION

That planning permission be permitted subject to the following conditions:

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

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

- 2 - A09 (Amended plans)**

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

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

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

- 4 - E28 (Agricultural occupancy)**

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCNW2004/3597/F - PROPOSED 2 STABLES AND TACK ROOM ON 3.2 ACRES OF LAND AT UPPER WELSON, EARDISLEY, HEREFORD, HR3 6ND For: Mr & Mrs S & S Harris, Pine Tree cottage, 7 Church Road, Eardisley, Herefordshire, HR3 ENJ

Date Received:
19th October 2004

Ward:
Castle

Grid Ref:
29992, 50940

Expiry Date:
14th December 2004

Local Member: Councillor J Hope

1. Site Description and Proposal

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

2. Policies

Leominster District Local Plan

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

Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA2 – Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager - No objection.
4.3 Public Rights of Way Manager - No objection.

4.4 Head of Environmental Health and Trading Standards - No objection.

5. Representations

5.1 Parish Council - No objection.

5.2 The Ramblers Association - No objection.

5.3 Five letters of objection have been received from the following:

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

In summary the points raised are as follows:

1. The area is of exceptional beauty, with views across the Wye Valley. These will be restricted from the road if the stable is built.
2. The construction of stables will entirely eclipse two oak trees on Bower Lane.
3. Concerns over potential pollution.
4. This application will inevitably lead to others if permitted.

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

6. Officers Appraisal

6.1 The applicants have recently purchased the field, which amounts to 1.34 hectares. They do not live in the immediate locality, but wish to keep their own horses on the land. The proposed stables are therefore intended for their own personal use.

6.2 The building is of a small scale and will not be prominent in the landscape. It will be viewed against a backdrop of a mature hedgerow, but this will only be at distance from public vantage points and it will be barely visible. At 3 metres in height, it is not overly tall and concerns that it will 'eclipse' two mature oak trees cannot be substantiated.

6.3 Suggestions by objectors that the building would be better located on the southern boundary of the site would ultimately lead to a more visually intrusive form of development as this would inevitably lead to the construction of a vehicular access track across the field. In the position as proposed, it is sufficiently close to the field access onto Bower Lane to ensure that any such works are not prominent or extensive.

6.4 Any surface water run off will drain naturally onto the land. This is a small-scale development for which full drainage details would not normally be required. However, the applicants have not indicated how they propose to dispose of storm water, and this can be addressed by an appropriately worded condition. With regard to issues of pollution, the Environmental Health Officer has not objected and it is not considered that a recommendation for refusal could be substantiated on these grounds.

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - E11 (Private use of stables only)**

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

For: Mr D Broadley at above address.

Date Received:
26th October 2004

Ward:
Kington Town

Grid Ref:
27536, 55436

Expiry Date:
21st December 2004

Local Member: Councillor Terry James

1. Site Description and Proposal

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

2. Policies

2.1 Planning Policy Guidance

PPG1 –

2.2 Hereford and Worcester County Structure Plan

CTC2 – Development in Area of Great Landscape Value

2.3 Leominster District Local Plan

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

2.4 Herefordshire Unitary Development Plan – Deposit Draft

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

3. **Planning History**

- 3.1 None relevant to this application.

4. **Consultation Summary**

Statutory Consultations

- 4.1 No statutory consultees.

Internal Council Advice

- 4.4 Traffic Manager has no objection.

5. **Representations**

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

5.2 Two letters of objection have been received. The first from Tina and Gordon Davison of Rose Cottage and is attached as an appendix.

5.3 The second letter from Kate and Andrew Garman and is attached as an appendix.

6. Officers Appraisal

6.1 The main issues in the consideration of this application are the principles and acceptability of the change of use and decking on the landscape quality of the area and of on the amenities and living conditions currently enjoyed by the residents of the adjoining properties.

6.2 The change of use of use of the land from agricultural to garden was undertaken a number of years ago. In principle the encroachment of residential use into agricultural land is contrary to the policies that set out to protect the countryside. However, consideration has been given to the minimal nature of the intrusion and to the relationship with the dwelling and surroundings. As such it is considered that the proposed change of use in itself is acceptable.

6.3 The more problematic element of this application is the area of decking that has been erected to the South of this piece of land. The decking, in its current form, being laid at a higher level than the existing ground level, has the effect of directly overlooking the path and private space that runs to the rear of Rose Cottage, directly impeding on the privacy currently enjoyed by its occupiers. However, the application that has been submitted addresses this issue by removing a section of the decking, setting it back from this shared boundary by 2.5m. Whilst this set back itself will address much of the direct overlooking implications due to the difference in levels, a section of landscaping in this area is also proposed. Although details of the landscaping have not been submitted, a condition is proposed to ensure that the landscaping proposed serves the purpose of providing a screen between the decking and the neighbouring property. It is therefore considered that the overlooking and privacy issues can be overcome and therefore comply with the local plan policies that seek to protect residential amenity.

6.4 The decking area is clearly visible from the adjoining field and from some of the properties in the locality. The decking in its current form is quite visually intrusive from this view point. However, this application has made a significant reduction in the width of the decking therefore reducing the scale of the structure and overall impact. The landscaping condition as above will also soften the impact. Both the parish Council and neighbours make reference to removal of a hedgerow on the site. Whilst there appears to be evidence of the removal of a tree from within the site, it is uncertain as to whether the hedge was removed as part of this development. In its proposed form and with the appropriate landscaping it is considered that the proposed decking would not be so intrusive on the landscape that it would constitute a reason to refuse this application.

6.5 If permission is granted to continue the use of the land as part of the residential curtilage, then the site would benefit from permitted development rights, under which further structures could be erected. A condition removing the rights to erect any further structures on the application site is therefore recommended.

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

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Number No: 490

Ack'd
22/11

Res Sir

Responded 22/11

Tina & Gordon Davison
Rose Cottage
Lower Hergest
Kington HR5 3EN

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

17th November 2004

Dear Sir/Madam,

Re: Application No. DCNW2004/3725/F - Land at rear of The Bothy, Rose Cottage and Orchard House, Lower Hergest – 1. Change of use from paddock to residential garden and 2. Retention of part of unauthorized decking

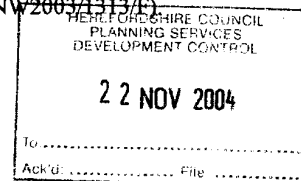
Thank you for notifying us of the above retrospective planning application and giving us an opportunity to comment. A substantial part of the land that is the subject of this application adjoins our rear boundary and is very close to our cottage, so its use has a considerable impact on our property.

Firstly we wish to point out that the plans submitted by the applicant do not indicate the relationship of the subject land to adjoining properties. We therefore enclose a plan that we believe more clearly shows the site as it is presently laid out, indicating the application land coloured green, and a set of four photographs of the development.

Development of this land has already been carried out with no consultation, without the benefit of planning permission and includes an area of timber decking larger than that indicated in this retrospective application. Despite the applicant's assertion that no trees or hedges are to be removed or pruned in order to facilitate the development, some trees and a length of established and historic hedge were cut down and removed by the applicant on the western boundary of the land over which the decking has been built.


We wish to object to this application on the following grounds that are not in any particular order of priority:

1. The development is intrusive giving rise to problems of overlooking and a loss of privacy to our house and garden and to increased noise, all of which is detrimental to our property. Please note that the development land is elevated some 2 metres above ours and is only 5 metres away from our house. The decking as presently built raises this level by more than 1 metre, further increasing the overlooking problems.
2. Related to the previous point, we have a current planning approval for a rear extension that, when implemented, brings the rear windows of our dwelling to within 2.5 metres of the subject land (your planning reference is NW2003/1313/F).

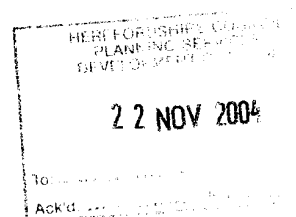


3. The proposal, as submitted, would constitute a fundamental change to the character and identity of the land within the rural landscape into which it encroaches, this being landscape the Council has determined in its UDP to be "least resilient to change". The site abuts existing agricultural uses on three sides and breaks through the natural settlement boundary of Lower Hergest.
4. The site is in an area defined in the Leominster and District Local Plan as an "Area of Great Landscape Value" and the development conflicts with Policy A2 thereof. It also conflicts with the Local Plan's environmental objectives regarding the protection of natural habitats from the effects of development and changes in land use and ensuring that developments fit sensitively into the landscape.
5. Permitted development on the land following the proposed change of use to residential garden would have further detrimental impact on our land and property.
6. The decking has already been built over the line of established hedging and trees that formed the western boundary of the site. These have been removed resulting in a loss of planting and wildlife habitat and increasing the potential for soil erosion. This hedgerow should be reinstated on the original line with mixed local species.
7. The decking structure that has already been built has an ornate balustrade approximately 1metre high on three sides. The design of this is out of keeping with its setting and adversely affects the character and identity of the rural landscape into which it encroaches.
8. The planting scheme shown does not extend far enough to mitigate the overlooking of our property and no species are specified. Neither have we been consulted about these proposals. Furthermore, we understand that the applicant is not obliged to implement the proposed planting scheme within a reasonable time following commencement of the development, so how can we be confident that it will be carried out quickly and effectively?
9. We do not understand what the justification is for increasing the garden space of The Bothy when there is already ample garden space within the applicant's curtilage.
10. The applicant has not specified the width, length or height of that part of the existing decking to be retained.

Yours faithfully,



Gordon and Tina Davison



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

DCNC2004/3717/L – AS ABOVE

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

Date Received:
26th October 2004

Ward:
Leominster North

Grid Ref:
49556, 59240

Expiry Date:
21st December 2004

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

Introduction

These applications were deferred at the last meeting of the Sub-Committee for plans/details required by the Historic Buildings Officer to be submitted.

1. Site Description and Proposal

- 1.1 Brook Hall, a Grade II Listed Building, is located on the west side of Broad Street, between the restoration shop and Vicarage Street. It is in the Leominster Conservation Area and within a primarily residential area as shown on the Leominster Town Centre Inset Map in the Leominster District Local Plan. It is a two-storey building with attic rooms, faced in yellow brick under a Welsh slate roof. The building is vacant. The ground floor was last used by New Life Church.
- 1.2 These applications propose the use of the ground floor as a snooker hall and lounge bar. They do not affect the upper floors.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

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

2.2 Hereford and Worcester County Structure Plan

- CTC7 – Development and features of historic and architectural importance

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

- 2.4 PPG1 – General Policy and Principles
PPG6 – Town Centres and Retail Development
PPG15 – Planning and the Historic Environment

3. Planning History

98/0142 - Internal works. Approved 17.8.98.

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

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection.

- 4.3 Chief Environmental Health Officer: "No comment."

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

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

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

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

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

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

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

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

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

5. Representations

5.1 Leominster Town Council: 'Recommends refusal as this development is considered to be:

- 1) inappropriate use of an historic building; and
- 2) in an inappropriate location on a busy, blind corner.'

Further comment from the Town Council: "Members expressed concern with regard to the preservation of the architectural merit of the building and would request that your Sub-Committee consider the building as a whole, as it is so important architecturally. It was suggested that consideration of the application might be deferred and the local representative of the Council for British Archaeology and/or Victoria and Albert Museum be given access and invited to produce a report."

5.2 Nine letters of objection have been received:

- a) This is not a suitable location for a snooker hall and would be detrimental to Brook Hall, and to the Conservation Area.
- b) This is a primarily residential area with established shops and boarding house businesses which assist other businesses in the town. The ambience and well-being of areas like this is vital to the regeneration of the town centre and its long-term business future.
- c) There is inadequate parking.
- d) There are already 3 snooker halls in Leominster, we do not need another, and there are enough bars.

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

6. Officers Appraisal

6.1 These applications have been submitted following the decision to refuse the previous proposals NC2004/0182/F and NC2004/0183/L, for the following reason:

'It is considered that the proposal does not recognise or respect the special qualities of this Listed Building. The alterations required to bring this building into alternative use are considered invasive so as to adversely affect and destroy its architectural and historic character. As such, the proposal is contrary to Policy A18(D) of the Leominster District Local Plan (Herefordshire), Policy CTC7 of the Hereford and Worcester County Structure Plan and the advice contained in Planning Policy Guidance Note 15: Planning and the Historic Environment.'

- 6.2 This application is for the change of use of the ground floor only to snooker hall with no alterations to the historic fabric of this Listed Building. However, a free-standing bar is proposed. The proposal does not affect the upper floors. Notwithstanding the further comments of Leominster Town Council, there is no reason as to why this application cannot be considered as submitted. Further as the proposal does not involve the demolition of a Grade II Listed building there is no requirement to consult with the national amenity societies, which would include the Council for British Archaeology and the Victorian Society, but not the Victorian and Albert Museum.
- 6.3 Brook Hall is located within a primarily residential area where other uses can be developed while maintaining a pleasant residential environment, as shown on the Leominster Town Centre Inset Map in the Leominster District Local Plan. The ground floor of the building was last used as a place where people congregate, uses included place of worship, day nursery and other group activities.
- 6.4 Generally, snooker halls do not cause noise nuisance that would give rise to loss of residential amenity. While it is acknowledged that there may be some unwelcome and undisciplined behaviour of patrons when leaving the snooker hall, it is not considered that this will lead to unacceptable disturbance. However, given the location of the building, it would not be unreasonable to restrict opening times to coincide with licensing hours.
- 6.5 Matters of competition with other snooker halls and other licensed premises in Leominster are not material planning considerations in the determination of this application.
- 6.6 Brook Hall is located close to a large public car park and close to available public transport. Given the close proximity to these facilities the proposal lends itself favourably to underprovision of parking, thereby creating a sustainable form of development.
- 6.7 At the time of this report the plans/details required by the Historic Buildings Officer have not been received. However, the applicant has advised they will be available by the date of the Sub-Committee.

RECOMMENDATION

NC04/3716/F

Subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to conditions considered necessary by officers.

Decision:

Notes:

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NC04/3717/L

Subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent subject to conditions considered necessary by officers.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCNW2004/3353/F - REMOVAL OF EXISTING BUNGALOW AND GARAGE, PROPOSED THREE COTTAGE TYPE DWELLINGS AT SUNNYDALE, FLOODGATES, KINGTON, HEREFORDSHIRE, HR5 3NE

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

Date Received:
1st October 2004

Ward:
Kington Town

Grid Ref:
28870, 56953

Expiry Date:
26th November 2004

Local Member: Councillor T James

Introduction

The determination of this application has been deferred on two occasions. Initially for a site visit to be undertaken and following the meeting of the Northern Area Planning Sub-Committee on 5 January 2005 to seek to negotiate a reduction in the number of dwellings to two. Furthermore it is understood that Members required further clarification in respect of the interpretation of Proposal K8 of the Leominster District Local Plan (Herefordshire).

The applicant has confirmed that he wishes the proposal for three dwellings to be considered and a further response is summarised in section 5.8 (Representations) below.

The additional information relating to Proposal K8 is set out in the updated appraisal.

On a final general point, and in response to issues relating to the designation of Kington Conservation Area, it is advised that the last review of the boundaries took place in 1994. The emerging Unitary Development Plan proposals do not seek to change the current boundary, a situation that is objected to by Kington Town Council. The extension or otherwise of the existing Conservation Area boundary will therefore be considered through the Inquiry process associated with the formal adoption of the Unitary Development Plan.

1. Site Description and Proposal

- 1.1 Sunnydale comprises a spacious and steeply sloping 0.26 hectare plot of land located in the Floodgates area to the north west of Kington town centre. The existing site is characterised by a detached woolaway type bungalow which occupies a prominent and elevated position set back from the western roadside boundary.
- 1.2 To the north and south of the site are existing dwellings whilst to the east the land rises to an attractive woodland which provides as attractive backdrop in views from the A44 by-pass from the north and west.

- 1.3 The character of the area is generally characterised by a combination of tightly knit historic and modern properties and open spaces. The site lies within the settlement boundary of Kington but is not part of an Established Residential Area. It is outside the Conservation Area and is designated as an Area of Important Open Space. The site also lies within the specially designated area of Broken Bank.
- 1.4 Planning permission is sought for the demolition of the existing bungalow and the erection of two linked detached cottages and a third detached property. It is proposed that the new cottages would be built closer to the roadside boundary so as to provide a street frontage between two existing properties 15 and 16 Floodgates. Plot 1 would be sited some 4.6 metres from 15 Floodgates whilst Plot 3 would be some 5 metres from 16 Floodgates.
- 1.5 The cottages would be constructed with a rendered external finish with natural slate roofs. Plot 1 would be served by its own new driveway whilst Plots 2 and 3 would have a shared access. The cottages would be set into the bank with a part two-part single storey appearance.
- 1.6 The site of the existing bungalow would be regraded to follow the natural slope of the open space behind the new dwellings. This area would become a communal amenity space with private gardens located immediately to the rear of the properties. Additional landscaping is proposed and all existing trees would be retained.

2. Policies

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements

Leominster District Local Plan (Herefordshire)

A1 – Managing the Districts Assets and Resources
A2(A) – Settlement Hierarchy
A10 – Trees and Woodland
A15 – Development and Watercourse
A16 – Foul Drainage
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A25 – Protection of Open Areas or Green Spaces
A52 – Primarily Residential Areas
A54 – Protection of Residential Amenity
A70 – Accommodating Traffic from Development
Proposal K8 – Broken Bank

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
DR1 – Design
DR2 – Land Use and Activity
H1 – Hereford and the Market Towns
H13 – Sustainable Residential Design
H15 – Density

LA5 – Protection of Trees, Woodlands and Hedgerows
LA6 – Landscaping Schemes
HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water raise no objection.

Internal Consultee Advice

4.2 Traffic Manager raises no objection subject to adequate provision of parking and turning space.

4.3 Conservation Manager raises no objection in relation to the landscape impact of the development as proposed. The Council's Archaeological Advisor has commented that the site lies on the periphery of Old Kington and that there is no evidence to suggest that the site has any archaeological value.

5. Representations

5.1 A total of 5 letters of objection were received to the original submission from the following persons:

Mr & Mrs Otter, Riverside Cottage, 16 Floodgates, Kington.
Mr & Mrs Funnel, Laburnum Cottage, Floodgates, Kington.
Mr G Peake, 13 Floodgates, Kington.
Mr D J Baker, 15 Floodgates, Kington.
Mr J E Burton, 14 Floodgates, Kington.

5.2 The concerns raised can be summarised as follows:

- Proposal out of character with this part of Kington. Existing bungalow only meant as a temporary structure.
- Conditions regarding safe demolition of bungalow should be attached.
- Concern regarding proximity of Plot 3 and impact of excavations on property.
- Streetscene elevation misleading.
- Overdevelopment of the site.
- Style of properties out of keeping with existing properties.
- Impact on existing drainage/mains water pipes needs to be examined.
- Loss of daylight/overshadowing.
- Limited width of access to site for emergency vehicles.
- Potential for parking outside the site to obstruct access to property beyond.
- Impact of sewage treatment plant on adjacent brook.
- Threat to existing water table due to amount of excavation required.
- Area liable to localised flooding.
- No more than one house should be built on site.
- Pedestrian safety during construction should be protected.
- New houses will be taller than the existing due to building regulations.

- Disturbance to medieval burial ground and castle tump resulting in loss of important source of archaeological data.
- Lane unable to cope with existing traffic associated with 3 dwellings.
- Loss of verge will make it dangerous for walkers using the lane.
- Artist impression doesn't give accurate information relating to the height of the proposed dwellings.
- Site is only suitable for dwellings of 1 1/2 storey height.

5.3 A further 3 letters of objection were received following reconsultation on the revised plans. Objections were received from the following persons:

- Mr & Mrs Otter, Mr G Peake and additionally from Mr Brookes of Jasmine Cottage, Floodgates, Kington.

5.4 The concerns raised reiterate those summarised above.

5.5 Kington Town Council state: We object to the proposed three dwellings on the following grounds:

1. It is over-development of the site which would mean that cottage number 3 on the plan is sited extremely close to No. 16, an estimate of 10 metres. We understand that No. 16 being an old 300 year old property has no foundations - and if permission is given, it should be a condition that no damage is caused to No. 16 and if damaged, then proper reparation is carried out, and moreover the applicant should be required to provide a Bond against any such eventuality.
2. There are likely to be at least 1 to 2 cars per household which will mean up to 6 extra vehicles coming and going on a single track lane where the only turning space is beyond the very old bridge over the brook. The exit from the lane onto Montfort Road is almost blind would present a hazard for traffic. Co-incidentally the Town Council has repeatedly requested that the 30mph restrictions be moved to the bottom of the road at Floodgates which would incorporate this exit access point.
3. The proposal contains plans for septic tank drainage for the three houses with an outflow into the Back Brook. We object to this on environmental grounds and wish to point out that the Back Brook now contains a rich diversity of wildlife, including Otters, a Polecat, Dippers and other water birds. We draw attention to the facts that the Back Brook flows into the River Arrow which eventually joins the River Lugg. It is against current environmental sustainability principles to increase the pollution in flowing water.
4. We understand that the mains water supply to adjacent properties runs across the applicants land and we would want guarantees that this would be maintained without cost to the adjoining properties. Likewise we understand that there is a septic tank belonging to an adjacent property again on the applicants land, again would require a guarantee of permanence.
5. We wish to draw attention to the Town Councils' request, made originally to Leominster District Council and more recently to Hereford Council that the Conservation Boundary of the Town be redrawn to include this area.
6. The whole plot of land is physically an extension of the historic Castle Mound. Any work on it must have an archaeological survey carried out first. We have reason to believe that the ground itself on the slope is unstable.
7. We would like to see all the trees on the plot have a preservation order placed upon them.
8. If any development is permitted on this site, then we believe it should be restricted to one small dwelling.

5.6 Kington Rural and Lower Harpton Group Parish Council state:

1. The members of the Parish Council agree and support all the points raised by Kington Town Council.
2. The members would like to reiterate two points:

a) This application amounts to over-development of the site. The members disagree with Kington Town Council's assumption of 10 metres and believe in fact that the gap between the proposed new dwellings and the adjacent dwelling No. 16 is more likely to be 1 metre. This would be overbearing on the adjoining property.

b) The roadway to the site is extremely narrow and the introduction of more vehicles, probably in excess of 6 would create difficulties in this roadway. The bank to the left hand side of this roadway looking towards the proposed application site on the right, is privately owned and although at present unfenced, this might not always be the case, and if the owner decided to fence his land, then the roadway would in effect become even narrower.

5.7 Council for the Protection of Rural England write to support the objections made by the Town Council. Proposal represents over-development and will have a visual impact on an important area of open space within Kington. Development should be restricted to one small dwelling in keeping with its surroundings.

5.8 The applicant has responded to the recent deferral in writing and makes the following observations:

- The application as submitted is to stand for determination and it is noted that it has the support of the Chief Conservation Officer, Traffic Manager and Archaeological Advisor.
- Existing site has considerable permitted development rights allowing a 15%/70 cubic metre extension to bungalow without reference to the local planning authority. This would also allow for outbuildings to the site and on the higher ground. The potential for the erection of sheds, greenhouses, pet accommodation and summerhouses exists.
- Proposal has the support of Planning Officers.
- Nearest property (16 floodgates) would be 5 metres away and set back with no facing windows. Ground levels at the site margins would be retained. Drainage system will not be a septic tank but a specialist treatment plant the discharge of which has been submitted to the Environment Agency.
- Proposal offers the opportunity to return high level bank into natural field backdrop free of structures enabling a development in keeping with the surroundings and within the spirit of the policies.

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

6. Officers Appraisal

6.1 The application is clearly locally sensitive with a wide range of concerns identified and summarised above. It is considered that the key issues for consideration in the determination of the application are as follows:

- a) the principle of infill development on the site;
- b) the impact of the scale and character of development upon the site and its surroundings;
- c) the impact upon the residential amenities of neighbouring occupiers;
- d) highway safety and access issues and
- e) drainage.

Principle of Development

- 6.2 Policy A2(A) of the Leominster District Local Plan (Herefordshire) recognises the broad acceptability of residential infill on suitable sites within the established settlement boundary of Kington. The site lies wholly within the defined settlement boundary and is an area that is also characterised by existing residential development, including the woolaway bungalow on the site at present. In the light of this it is not considered that there are any grounds for objecting to the principle of redeveloping the site and it seems clear from the responses received that the demolition of the bungalow is generally supported. The fact that the site lies outside the defined Established Residential Area is not in this context considered to be grounds to object to the principle of any form of residential development. Furthermore the presence of the unsightly bungalow is considered to provide a basis for supporting redevelopment in the Broken Bank area where proposal K8 limits development proposals.
- 6.3 The main source of concern relates to the nature of the redevelopment of the site, which will be considered in more detail below but under this heading it is advised that the broad principle of residential development is acceptable.

Scale, Character and Impact upon the Site and Surroundings

- 6.4 The site and the Broken Bank area is specifically identified as requiring special control over further development and is designated as an Area of Important Open Space within the defined settlement boundary for Kington. As such it is recognised that the development proposed should respect the prevailing character of the area which essentially is defined by a mix of housing types in an irregular but fairly tight knit arrangement but certainly not giving the impression of a built up area as becomes apparent further along the main road into Kington. The site itself is dominated by the prominent and out of keeping woolaway bungalow which occupies an elevated and set back position bearing no resemblance to the general grain of development in the immediate vicinity. In this respect it is considered that the redevelopment of the site could enhance its appearance and contribution to the area.
- 6.5 Proposal K8: Broken Bank of the Leominster District Local Plan (Herefordshire) states that development will not be permitted except where it compromises alterations or extension to existing property and it preserves and enhances the character and appearance of the area.
- 6.6 It is acknowledged that a strict interpretation of this policy would rule out the replacement of the existing bungalow let alone the redevelopment of the site. However, having regard to the application site it is recognised that the siting and appearance of the bungalow is out of keeping with character of the Broken Bank area. It is therefore considered that the repositioning of the development would bring the site more into line with the general grain of the area whilst returning the more elevated area as viewed from the north to open grassland that would benefit from conditional control over domestic paraphernalia.

- 6.7 In the light of this specific site it is therefore advised that there is scope to support this proposal in view of its enhancement of the area when considered in relation to the requirements of Proposal K8.
- 6.8 The revised plans and elevations seek to “loosen” the form of development and increase the space along the sites margins and in between the proposed plots so as to enable an appreciation of the space beyond. Furthermore the positioning of the new dwellings close to the roadside boundary will allow a better appreciation of the sloping land to the rear in views from the bypass and land beyond to the north where the bungalow is currently visible.
- 6.9 On balance therefore the benefits of reinstating the land currently occupied by the bungalow, moving the proposed development into the existing street frontage and creating reasonable gaps along the sides and between the proposed new plots are such that it is considered that the open space is acceptably preserved and in its revised form the application is supported by the Chief Conservation Officer.
- 6.10 It is considered that the design of the dwellings is in keeping with the stone and rendered appearance of existing property and whilst the proposed dwellings will be taller than those adjacent to the site the generally mixed character of the area is such that this modest difference in eaves and ridge heights will not appear so out of keeping with the locality that the refusal of planning permission would be warranted.
- 6.11 Archaeological issues have been referred to in the letters of objection and specifically the potential importance of a medieval burial ground and remains associated with the castle tump. The implications for this proposal have been discussed with the Archaeological Advisor who recognises that the site is on the periphery of the Old Town but confirms that there is no evidence to suggest any important archaeological remains on or in the immediate vicinity of the site. In the light of local concerns it is suggested that a watching brief condition is a reasonable compromise on this issue.

Residential Amenity

- 6.12 The flank elevations of Plots 1 and 3 do not necessitate the introduction of windows other than those serving WC's which can be effectively obscure glazed to avoid any harmful overlooking. Furthermore, the creation of the garden areas at the rear of the plots are such that there would be no greater harm in terms of overlooking than would be the case with the occupation of the existing bungalow.
- 6.13 The proposed dwellings whilst being taller are sufficiently distant from the neighbouring properties so as to avoid unacceptable overshadowing or overbearing impacts upon them. Plot 3 in particular is set back so as to avoid any unnecessary effect upon the small window in the side elevation of Riverside Cottage to the north of the site.
- 6.14 Issues relating to impacts on existing foundations are not planning issues and as such cannot be substantiated as grounds for refusal. Any implications would be controlled under the Building Regulations requirements but given the distance of the proposed plots from existing property and the intention to retain ground levels at the present height along the site margins there is no likely effect on existing property.

Highway Safety and Access

- 6.15 No objection is raised by the Traffic Manager in relation to the continued safe use of the existing access to the site and the other properties, which share it. The proposed development is served by adequate off street parking so as to avoid the potential for parking on the side of the road and obstructing emergency vehicles and walkers.
- 6.16 Notwithstanding the concerns raised by local residents and the respective Town and Parish Councils it is not considered that the development will result in the unsafe use of the access road or affect pedestrian safety of walkers using it to gain access to the countryside beyond.

Drainage

- 6.17 It is proposed to provide a private sewage treatment package to serve the proposed 3 dwellings and the intention is for this to discharge into the adjacent brook. The discharge of treated waste into the brook would be strictly governed by the Environment Agency who issue licenses for such matters. It is not therefore an issue over which the local planning authority has any control except to ensure that the necessary details are submitted and this is an issue that can be controlled by condition.
- 6.18 On a site of this size there is no reason to suspect that an effective system with the associated soakaways could not be installed but in the light of local concerns it is proposed that a condition requiring foul and surface water drainage should be attached.
- 6.19 The connection of other utility services and electricity is not a matter upon which the local planning authority can intervene.

Conclusion

- 6.20 The local concerns raised in respect of this application are acknowledged but it is considered that having accepted the principle of development on the site, its revised form is such that it will not appear out of keeping or detrimental to the character and appearance of the locality. Neither will there be any adverse effect upon residential amenity or highway safety that would warrant refusal whilst drainage issues can be resolved by introducing conditional control to ensure that all relevant bodies are consulted. Whilst a wide range of detailed issues have been raised in response to this application it is considered that these concerns have been adequately addressed in the appraisal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A07 (Development in accordance with approved plans) (drawing nos. 3484/1A, 2A/3A, 4A, 5A and 6A)

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

- 3 - B01 (Samples of external materials)

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

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

Reason: To safeguard the character and appearance of the dwellings in this sensitive historic area.

- 5 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of the dwellings in this sensitive historic area.

- 6 - D03 (Site observation - archaeology)

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

- 7 - E08 (Domestic use only of garage) (Plots 1 - 3)

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

- 8 - E18 (No new windows in specified elevation) (south elevation of Plot 1 and north elevation of Plot 3).

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

- 9 - E19 (Obscure glazing to windows)

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

- 10 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 11 - F18 (Scheme of foul drainage disposal)

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

- 12 - F48 (Details of slab levels) (to include the ground levels adjacent to existing dwellings to the north and south of the application site).

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

13 - G01 (Details of boundary treatments)

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

14 - G04 (Landscaping scheme (general))

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

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

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

16 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

17 - H12 (Parking and turning - single house)

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

18 - H27 (Parking for site operatives)

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP
- 2 - N03 - Adjoining property rights
- 3 - HN01 - Mud on highway
- 4 - HN05 - Works within the highway
- 5 - The applicant is advised that the discharge of treated waste into the adjacent brook requires the formal agreement of the Environment Agency prior to the occupation of the dwellings hereby approved.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCNW2004/3419/F - PROPOSED BARN CONVERSION TO 3 BEDROOMED DWELLING AT TRADITIONAL BARN (ADJ STANSBATCH HOUSE), STANSBATCH, STAUNTON-ON-ARROW For: A H Morris & Son per McCartneys 46 High Street Builth Wells Powys LD2 3AB

Date Received:
5th October 2004

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
34900, 61402

Expiry Date:
30th November 2004

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a prominent 0.1 hectare plot of agricultural land located to the east of an unclassified road that links the hamlets of Stansbatch and Byton Hand.
- 1.2 The site contains two disused agricultural buildings. The main building located in the centre of the site is a timber framed barn which is partially weatherboarded under a corrugated tin roof and stands on a rubble stone plinth. The smaller building is a stone built store which occupies a roadside location adjacent to the existing access into the site. The boundary of the site is defined by mature hedgerow and a stone wall.
- 1.3 There is a large pine tree which stands close to the northern boundary of the site. The surrounding area is predominantly in use for agricultural purposes although immediately to the west of the site is the prominent Stansbatch House.
- 1.4 Planning permission is sought for the conversion of the timber framed barn into a 3 bedroom dwelling with the smaller roadside barn being proposed as a small studio/workshop and office. It is proposed to block up the existing dangerous access at the apex of the bend in the road and create a new access in the northern boundary of the site which would involve a small extension to the existing curtilage of the site.
- 1.5 The application is accompanied by a statement of market testing, a timber frame survey and ecological surveys relating to bats and newts.

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A - Development Criteria
 Policy H20 – Residential Development in Open Countryside
 Policy CTC3 – Sites of National and International Importance
 Policy CTC9 – Development Criteria
 Policy CTC11 – Conservation and Expansion of Tree and Woodland Cover
 Policy CTC13 – Buildings of Special Architectural or Historic Interest

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

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District’s Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A5 – Sites Supporting a Statutorily Protected Species

Policy A7 – Replacement of Habitats

Policy A8 – Improvements to or Creation of Habitats

Policy A9 – Safeguarding the Rural Landscape

Policy A10 – Trees and Woodlands

Policy A16 – Foul Drainage

Policy A36 – New Employment Generating Uses for Rural Buildings

Policy A60 – Conversion of Rural Buildings Outside Settlements to Residential Use

Policy A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 – Criteria for Retail Development

Policy S2 – Development Requirements

Policy S7 – Natural and Historic Heritage

Policy DR1 – Design

Policy DR2 – Land Use and Activity

Policy H7 – Housing in the Countryside Outside Settlements

Policy E11 – Employment in Smaller Settlements and Open Countryside

Policy LA2 – Landscape Character

Policy NC5 – European and Nationally Protected Species

Policy NC8 – Habitat Creation, Restoration and Enhancement

Policy HBA12 – Re-use of Rural Buildings

Policy HBA13 – Re-use of Rural Buildings for Residential Purposes

2.4 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

NW2004/1103/F - Proposed barn conversion to 3 bedroomed dwelling. Withdrawn 6 May 2004.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency raise no objection subject to a condition requiring details of a scheme of foul drainage to be submitted and approved by the local planning authority.

4.2 Herefordshire Nature Trust comment that the presence of protected species and the potential for habitat creation should be considered in the determination of the application.

Internal Council Advice

- 4.3 Traffic Manager raises no objection subject to the provision of parking and turning for 2 vehicles within the site.
- 4.4 Conservation Manager raises no specific objection to the detailed design of the conversion subject to conditional control over external materials and joinery. The ecological survey work undertaken is acknowledged but it is advised that the bat assessment and methodology is deficient in so far as only limited survey work was undertaken. The survey did not include an internal inspection or three separate activity surveys. The Great Crested Newt survey is challenged since it was undertaken in September 2004, and it is advised that such work needs to be undertaken between March and June. On the basis of the submitted survey work a recommendation of refusal is made.

5. Representations

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

Deborah Wood, Hearn's Cottage, Sheriffs Lane, Lyonshall (2 letters)
Mrs Penelope Davies, Stansbatch House, Stansbatch, Leominster
Mr James Weymouth, Upper Tan House, Stansbatch, Leominster
Mr H Spowers, Stansbatch Farm, Stansbatch, Leominster (2 letters)

The concerns raised can be summarised as follows:

- a) Boundary dispute with neighbouring landowner
- b) Overlooking and loss of privacy
- c) Concern about highway safety in respect of additional traffic using the new access
- d) Proposed contrary to re-use and adaptation of traditional rural buildings - substantial changes to existing structure, lowering of footings, increased angle of roof, new openings and prominent roof lights
- e) Contrary to policies restricting residential development - residential development is the last resort and there is local interest in use of buildings for commercial purposes.
- f) Small workshop/office does not represent a dominant commercial element within the context of the whole proposal
- g) Commercial interest expressed in the premises for lease or purchase

Titely and District Group Parish Council comment as follows:-

- a) Proposal appears to contravene UDP policies on the re-use of agricultural buildings.
- b) Offer by local person ignored by applicant
- c) Suggest a site meeting would enable access and privacy to be properly considered.
- d) Presence of workshop/studio appears to be an attempt to secure support for residential use. Would commercial use be controlled and tied to dwelling?

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

6. Officers Appraisal

- 6.1 The main issues for consideration is the determination of this application are as follows:-
- a) the principle of residential conversion having regard to the attempt to secure alternative commercial uses for the buildings;

- b) the principle of residential conversion having regard to the structural integrity of the buildings;
- c) the impact of the proposed conversion on the character and appearance of the buildings and the wider impact on the surrounding countryside;
- d) residential amenity;
- e) highway safety, and;
- f) ecological issues.

Market Testing

- 6.2 The applicant has advised that the buildings have been marketed since 6 October 2003, as being for let or sale and the particulars have been displayed in the agent's office in Kington. As a result the details were available throughout the agents 14 regional offices and were also posted on their website. Further advertising has taken place in local newspapers and in addition the buildings have appeared in the requisite number of editions of the Councils Commercial Property Register.
- 6.3 In the light of this it is considered that the applicant has fulfilled the administrative requirements of Supplementary Planning Guidance on the residential conversion of buildings.
- 6.4 It is acknowledged that there has been a limited amount of interest but it is clear from submissions from interested parties that a specific interest has been registered by a local resident seeking a use for office purposes. The local resident has according to correspondence, indicated an interest in the purchase or leasing of the buildings, which is contested by the applicant who has advised that the only offer made was for the purchase of the barn. It is further suggested that the offer was not deemed acceptable and that in any event the applicant is not under any obligation to sell the property.
- 6.5 In this case it is considered that the commercial interest in the building appears to be a genuine one and according to information supplied this offer was made in a timely manner originating in March 2004 with subsequent approaches being made.
- 6.6 In the light of the above it is considered that there is a realistic likelihood of a small-scale locally based office use becoming established and since Government guidance is clear in its advice that appropriate commercial re-use should be given priority in respect of alternative uses for vacant agricultural buildings, the proposal is considered to be contrary to Policy A60 of the Leominster District Local Plan (Herefordshire).

Structural Integrity

- 6.7 The structural condition of the building and the extent of rebuilding required in order to accommodate its re-use is also a cause for concern in this particular instance. In response to concerns raised by Officers the applicant has produced an existing timber frame survey. This indicates that a significant proportion of the existing framing could be repaired and treated but also that there would be extensive repair and replacement required to facilitate the re-use. Further to this it is considered that the conversion would also require the reconstruction of the stone plinth upon which the structure

stands.

- 6.8 A fully detailed structural appraisal has not been undertaken and based upon the observations undertaken by the Building Control Manager, it is considered that the ability of the building to be converted as opposed to largely rebuilt is questionable.
- 6.9 In the absence of convincing evidence to demonstrate that the building can be converted within the spirit of the Councils adopted policy and supplementary guidance it is not considered that this proposal can be supported. It is advised that these concerns would equally apply to a proposal for commercial re-use and the conclusion reached above therefore sheds doubt on the acceptability of any alternative uses for these buildings.

In view of the serious concerns relating to the adaptability of the building it is suggested that the proposal would again fail the tests set out in Policy A60 of the Local Plan.

Character and Appearance

- 6.10 The main building, as described above, is in a state of advanced dilapidation and as a result a proportion of the sidewalls and gable are exposed offering an opportunity to introduce glazing into the timber framing. This said in its original form it would have been a very simple, largely weather boarded structure with a limited number of openings concentrated on the northern elevation of the building. The compartmentalisation of the barn in order to create an appropriate residential layout would result in the introduction of new windows on all but the east elevation as well as the provision of roof lights to serve first floor bedrooms.
- 6.11 It should be acknowledged that this proposal has been amended and improved following the withdrawal of previous application but it is still considered that the alterations required would have an unacceptable domesticating effect on the simple character and appearance of a building for which there is not an overriding case for retention.
- 6.12 There would inevitably be some site clearance and the works required to form the new access would have an effect on the existing rural character of the locality but this would not in its own right cause unacceptable harm and the amenity value of the pine tree is recognised and would be retained.

Residential Amenity

- 6.13 The proposed use of the site for residential/small scale office and workshop purposes would not in its own right lead to undue concerns in respect of noise and disturbance to adjacent property. The use could be restricted to one falling within Use Class B1 so that it would remain acceptable within an otherwise quiet residential environment.
- 6.14 Concerns have been raised in respect of the potential for overlooking but it is advised that the relative orientation and distance of the barn from the nearest property (Stansbatch House), which is some 35 metres away is such that the privacy of its occupiers could not realistically be substantiated as a reason for refusal.

Highways Safety

- 6.15 Again, local concerns have been raised and in its original form the proposal involved

the continued use of the existing dangerous access at the apex of the road. This has been revised and repositioned to a point sufficiently distant from a bend in the road to overcome concerns about visibility. The Traffic Manager raises no objection and therefore whilst local concerns are acknowledged it is not considered that there would be grounds for the refusal of permission on highway safety grounds.

Ecological Issues

6.16 In response to the identification of bats on site and the strong likelihood of the site and surroundings supporting Great Crested Newts, two surveys have been commissioned. In this respect the applicant has acted responsibly but unfortunately the timing and the extent of the survey work carried out by the applicants consultant is questioned by the Chief Conservation Officer. In the light of the above, it is advised that the implications of the proposed conversion on the existing habitat has not been fully examined and on the basis of the limitations of the information available the application should be refused as being contrary to policies seeking to preserve and enhance the nature conservation interests of sites.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The local planning authorised, based upon the evidence provided, are not convinced that every reasonable attempt has been made to secure a suitable business re-use and it is not considered that the element of studio/workshop and office proposed represents a sufficiently dominant part of the scheme to enable support for the residential use. Accordingly the proposed residential conversion of the barn would be contrary to Policy A.60 of the Leominster District Local Plan (Herefordshire) and the guiding principles identified in PPS7 - Sustainable Development in Rural Areas.**
- 2 The main barn is in poor structural condition, and notwithstanding the information in relation to the condition of the existing timber framing, it is not considered that the building is capable of conversion without extensive alteration and major reconstruction. Furthermore it is maintained that the extent of alterations would have a detrimental effect on the simple character of the building and its setting. This would be contrary to Policies A1, A2(D), A9 and A60 of the Leominster District Local Plan, Policies H.20 and CTC14 of the Hereford & Worcester Council Structure Plan and the guiding principles identified in PP57 - Sustainable Development in Rural Areas.**
- 3 The local planning authority do not consider that the information provided with the application relating to the presence of bats, great crested newts and other protected species is sufficient to enable its impact to be thoroughly assessed. In the absence of sufficient information it is concluded that harm could result that would be contrary to Policies A5, A7 and A8 of the Leominster District Local Plan (Herefordshire) and Policies CTC3 and CTC14 of the Hereford & Worcester Council Structure Plan.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**12 DCNW2004/3904/F - PROPOSED DECKING AREAS,
CREATION OF BIN STORE AND GENERAL
LANDSCAPING AT THE JOLLY FROG THE TODDEN
LEINTWARDINE CRAVEN ARMS SHROPSHIRE SY7
0LX
For: J A Tait at the same address**

Date Received:
10th November 2004

Ward:
Mortimer

Grid Ref:
41040, 75212

Expiry Date:
5th January 2005

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The proposal is for a retrospective application for the installation of decking to the rear of The Jolly Frog, a Public House in Todding, north of Leintwardine. The site is located in the open countryside with a few dwelling houses immediately adjacent.
- 1.2 The proposal concerns the erection of decking above the existing garaging to the rear of the property, and also decking alongside this. This is a resubmission of the original application with the alteration being that the additional decking is a little forward of the previous application.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2 – Settlement hierarchy
- A9 – Safeguarding the rural landscape

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable development
- S2 – Development requirements
- DR1 – Design
- DR4 – Environment
- DR13 - Noise

3. Planning History

NW04/2516/F - Erection of decking areas, some over existing double garage, creation of bin store underneath and general landscaping of the garden. Refused 3.9.04, for the following reason:

'The proposed development by virtue of its siting and design and the noise disturbance and nuisance caused by its use, would have an adverse impact upon the residential amenities of nearby residents, contrary to Leominster District Local Plan Policies A1,

A13 and A45, and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S2, DR4 and DR13.'

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic Manager: Has given a qualified response with no objections but noting that the current car parking provision does not meet guidelines. However, that current policy PPG13 suggests that minimum parking standards should not be used, but rather maximums be applied.

4.3 Head of Environmental Health and Trading Standards has also made a qualified statement recommending that a close-boarded fence be erected along the south-eastern boundary of the site to protect the amenity of occupiers of nearby properties.

5. Representations

5.1 Parish Council's response refers back to its comments on application DCNW2004/2516/F, the previous application for the similar proposal. In addition, they state that this application considers landscaping and the local amenities better. There is no objection providing the neighbours' rights are safeguarded.

The previous comment stated: 'There is no objection in principle but consideration should be given to protecting the neighbours from noise, light, late-use and disturbance.'

5.2 Representations have been received from:

Mr Hood, 4 The Toddings
Mr and Mrs Tilson, The Brambles, Toddings
D Walker, Stormer Hall, Leintwardine
S Jones of 3 Todden Cottages, Leintwardine
D Dukes, Lower Todding, Leintwardine

The objections are summarised as follows:

- 1) Bin storage beneath the decking is a fire hazard
- 2) Public health nuisance
- 3) Landscaping impact on neighbouring properties
- 4) Incorrectly drawn plans - no gas tank is shown
- 5) An increase in traffic hazard
- 6) Privacy and amenity

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

6. Officers Appraisal

- 6.1 This is a re-application for the decking with an amendment bringing the decking nearer the Pub and further from the neighbours property to the rear. It is noted that part of the proposal has already been constructed.
- 6.2 The previous application was refused on the grounds of potential adverse impact on the amenity of nearby residents.
- 6.3 The neighbours' objections to the current proposal are also on the grounds of their loss of amenity and in addition, the traffic and environmental health hazard.
- 6.4 Given that the Traffic Manager and Head of Environmental Health and Trading Standards have no objections on either health or traffic grounds it would be inappropriate of the Planning Officer to raise objection on these grounds. In addition, the current application has moved the decking nearer to the Public House and further from the neighbours to the rear of the proposal site, improving amenity to the neighbouring properties.
- 6.5 The Parish Council's response is that this application does consider local amenity and is a little better than the previous application, which was refused, and as such has no objection so long that neighbours' rights are safeguarded.
- 6.6 Given that the new application pays better regard to the amenity of local residents in that the decking is moved away from their boundaries and that landscaping and fencing proposals do exist, the proposal is thought to come within the policy terms as listed above and to have ameliorated the objections of the neighbours.
- 6.7 On these grounds the proposal is recommended for approval with conditions for landscaping.

RECOMMENDATION

That planning permission be granted 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 - G05 (Implementation of landscaping scheme (general))

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

3 - G06 (Scope of landscaping scheme)

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**13 DCNW2004/4118/F - PROPOSED REMOVAL/
A DEMOLITION OF 2 INDUSTRIAL UNITS AND THE
ERECTION OF HOUSE AND GARAGE ON LAND
BEHIND WALCOTE BUNGALOW, HIGH STREET,
PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE,
HR6 9DT**

13 DCNW2004/4119/C – AS ABOVE

B

**For: Mr J A Price per Mr D Walters, 27 Elizabeth Road,
Kington, Herefordshire, HR5 3DB**

**Date Received:
30th November 2004**

**Ward:
Pembridge &
Lyonshall with Titley**

**Grid Ref:
38990, 58175**

**Expiry Date:
25th January 2005**

Local Member: Councillor Roger Phillips

1. Site Description and Proposal

- 1.1 The application site is occupied by two industrial buildings and a log store all of external tin construction, the site being located in a mainly residential area and within the Pembridge Conservation Area.
- 1.2 To the south of the application site is the dwelling known as 'Walcote bungalow and annexe', this is also in the applicant's ownership, a two-storey 'dormer type' dwelling of external brick construction painted white, under a tiled roof.
- 1.3 Alongside the western boundary of the application site is a coniferous hedge, this acts as a good screen to the proposed development site. Access to the site is obtained via a shared access, this is in the applicant's ownership, and accessed from the A44, (High Street), and shared with that of the adjacent property to the application site that is not in the applicant's ownership known as 'Walcote House'.
- 1.4 The application proposes demolition of the two existing industrial buildings and timber store and erection of a detached two-storey four bedroomed dwelling and detached two bay garage, both of external brick construction under a slate roof. The proposed dwelling measures 7.5 metres at it's highest point and covers a floor area of approx. 9 x 9.5 metres. The industrial buildings on site exceed 115 cubic metres and therefore Conservation Area consent is required for their demolition.
- 1.5 The application has been submitted following the withdrawal of a previous application for the erection of a dwelling of similar proportions and design, on August 23rd 2004, to which the officer had concerns about the orientation, roof height and pitch.

2. Policies

2.1 Planning Policy Guidance 3 – Housing.

2.2 Hereford and Worcester County Structure Plan

CTC9 – Development Requirements.

CTC11 – Trees and Woodlands.

CTC18 – Development in Urban Areas.

2.3 Leominster and District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources.

A2(C) – Settlements Hierarchy.

A9 – Safeguarding the Rural Landscape.

A10 – Trees and Woodland.

A18 – Listed Buildings and their Settings.

A21 – Development within Conservation Areas.

A23 – Creating Identify and an Attractive Built Environment.

A24 – Scale and Character of Development.

A28 – Development Control Criteria for Employment Sites.

A54 – Protection of Residential Amenity.

A55 – Design and Layout of Housing Development.

A70 – Accommodating Traffic from Development.

2.4 Unitary Development Plan – Revised Deposit Draft

S1 – Sustainable Development.

S2 – Development Requirements.

S3 – Housing.

S7 – Natural and Historic Heritage.

DR1 – Design.

DR2 – Land Use and Activity.

DR3 – Movement.

DR4 – Environment.

H4 – Main Villages: Settlement Boundaries.

H13 – Sustainable Residential Development.

H14 – Re-Using Previously Developed land and Buildings.

H15 – Density.

H16 – Parking.

HBA4 – Setting of Listed Buildings.

HBA6 – New Development within Conservation Areas.

3. Planning History

3.1 NW04/2440/F – Removal of 2 industrial units and erection of house and double garage
– Withdrawn 23 August 2004

NW04/2441/C – Demolition of storage buildings – Withdrawn 26 August 2004

NW04/4119/C – Removal/demolition of 2 industrial units and erection of double garage
– Current application

4. Consultation Summary

Statutory Consultations

- 4.1 Hyder have no objections subject to conditions.

Internal Council advice

- 4.2 Head of Environmental Health has no comment,
- 4.3 Traffic Manager has no objection however does comment that the existing access does not meet current standards, but considering it already exists and is unlikely to carry more traffic than the industrial units it replaces, it would be unreasonable to refuse on highway grounds.
- 4.4 Conservation Manager has no objection but advises that materials should be traditional to safeguard the character and appearance of the Conservation Area.
- 4.5 Archaeological Advisor has no objection to the proposed development but is concerned about ground disturbance in a sensitive location, that is likely to occur. Walcote Bungalow is located within the historic core of Pembridge and therefore advises that Herefordshire Council attach the standard archaeological 'site investigation' condition D01 to any planning permission.

5. Representations

- 5.1 Pembridge Parish Council objects to the proposed development for the following reasons:
Access on and off the site may cause a hazard to pedestrians; also visibility when exiting the site is poor.
As it has been pointed out with the previous application, the proposed plot is about a metre higher than that of neighbouring properties, and there are concerns about loss of amenity to them because of the height of the proposed new house. The Parish Council would have preferred to have seen any re-submitted plans being for a lower residence such as a bungalow to help alleviate this problem.
- 5.2 The application has generated five letters of objections from members of the public. These letters are from M/s Gwenda Hames, The Old Bike Shop, Bridge Street, Pembridge. Mrs. E. Wall, Walcote House, Pembridge, (address located adjacent to Walcote Bungalow). Mr. Duncan James, Combe House, Combe, Presteigne, Powys. Mrs. E. Fothergill, Rose Cottage, Market Square, Pembridge. T. R. & J. M. McGown, Hillview, Bridge Street, Pembridge., (address adjacent to Walcote Bungalow).
- 5.3 The objections can be summarised as follows:
Impact of proposed development on privacy of adjoining dwellings and their gardens.
Character of proposal in relationship to the built form of the surrounding built environment and concerns about the impact of the proposed development on the medieval settlement and its conservation area.
Loss of sunlight on adjacent properties.

Public highway access serving the application site is a concern on highway safety grounds.

Concerns about sewer drainage and inadequacies.

Concerns about noise disturbance.

- 5.4 One letter of support has been received from the applicant stating this current application has been submitted as a result of withdrawing a previous application on Officer's advice due to concerns about height and style of the proposed development. The letter also makes comment about the industrial buildings being registered for business use, the plot being relatively large enabling the proposed dwelling to be located well away from the boundaries, the adjacent dwelling known as Walcote bungalow being a four bedroomed dormer bungalow with its own private driveway/access and that there is existing mains sewage, electricity and water connection available on site.
- 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 application site is within the defined settlement boundary for Pembridge. There is a presumption in favour of development provided that all the relevant planning issues with regards to the proposal can be resolved satisfactorily.
- 6.2 The main issues of concern with regards to this particular application revolve around loss of the employment use of the land, amenity and privacy of the surrounding vicinity, impact on the Conservation Area, and public highway access issues.
- 6.3 Loss of employment use of the land. – Presently on site are two industrial buildings that were formally associated with a builders yard. The site is located to the rear of an existing dwelling that is also in the ownership of the applicant and surrounded by other residential dwellings and their domestic curtilages. Therefore the location can be considered as a 'Brownfield' windfall development site in accordance with Planning Policy Guidance Note 3 on Housing. Policy A28 on Employment Sites in the Local Plan states that employment uses adjacent to residential areas should be limited to uses within Classes B1 and B8, the present use is a 'Sui Generis', (no specific planning class), and therefore any change of use requires planning permission. Considering that the surrounding land uses are all residential, the proposal is considered acceptable in this instance.
- 6.4 Amenity and Privacy. Other residential dwellings surround the application site; therefore residential development at this location is considered compatible with the surrounding land uses. All surrounding dwellings are located in excess of 20 metres from the proposed residential construction, except for the dwelling to the rear of the application site known as 'Pinecroft,' which is located 11 metres from the nearest external wall of the proposed development, however the wall facing towards the proposed development site of this dwelling has no windows within its external wall and therefore privacy is not an issue from this aspect. The site is surrounded on its western and northern boundaries by vegetation that acts as a screen to the site and if Committee are mindful to grant approval to the application then a condition can be attached to the approval notice to further strengthen screening the boundaries of the site.

The proposed dwelling is of a size and built form that will blend in satisfactorily with the surrounding built environment and Conservation Area. The location is not alongside the street frontage of High Street but on land to the rear of an existing dwelling that has its frontage adjacent to the street. This street has other modern dwellings alongside its frontage in external construction materials similar to those of the proposal. To the rear of the application site is the property known as 'Pinecroft' the external construction materials of this property are similar to that of the proposed development. Therefore the proposed development is considered acceptable with regards to impact on the Conservation Area. The Council's Conservation Manager has responded to the application with no objections.

- 6.5 Public highway access. The proposed development site is accessed via an existing access from the public highway to which no proposals have been submitted with regards to changes or improvement to its existing layout. The Council's Highways Engineer responded to the application stating that there are no objections to the proposed development and comments that whilst existing access does not meet current standards, it is unlikely to carry more traffic than the industrial units it replaces, consequently it would be unreasonable to refuse on highway grounds.
- 6.6 Other issues raised in representations relate to concerns about potential noise and sewage drainage. The noise issue is not of any relevance in relationship to the proposal and Welsh Water have been consulted and raise no objections recommending conditions to be attached to any permission that the Council are mindful to grant.
- 6.7 **In conclusion** the proposed development is compatible with the relevant policies criteria in the Leominster District Local Plan and national planning policy guidance in that the proposed development is considered acceptable in scale and character and will have no detrimental impact on the Conservation Area, privacy of adjoining dwellings and less impact on the public highway than the existing planning use of the site. The proposal is also considered compatible with that of the relevant policy on the existing employment use of the application 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 - A08 (Development in accordance with approved plans and materials)**

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

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

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

- 4 - Prior to any development on site details will be submitted and approved in writing by the Local Planning Authority with regards to details of window**

sections and construction, external doors, barge boards and mortar mix to be used in the external construction of the development.

Reason: To safeguard the character and appearance of the surrounding vicinity of the development site.

5 - D01 (Site investigation - archaeology)

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

6 - E08 (Domestic use only of garage)

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

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

Reason: To protect the integrity of the Public Sewerage System.

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

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

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

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

10 - G01 (Details of boundary treatments)

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

11 - G09 (Retention of hedgerows)

Reason: To safeguard the amenity of the area.

Informatives:

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

Decision:

Notes:

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RECOMMENDATION

That conservation area consent be granted subject to the following condition:

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.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

