

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 15th June, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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Tel 01432 260248*

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor J.W. Hope MBE (Chairman)
Councillor K.G. Grumbley (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, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton, J. Stone, J.P. Thomas and J.B. Williams

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 18th May 2005.	1 - 16
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.	17 - 20
 REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the northern area and to authorise the Head of Planning Services to impose any additional or 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.	

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| 5. | <p>DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT UNIT 16, COURT FARM BUSINESS PARK, BISHOPS FROME, WORCESTER, HEREFORDSHIRE, WR6 5AY FOR: W J HOLDEN & ASSOCIATES PER MICHAEL LATCHEM & ASSOCIATES, 9 AYLESTONE DRIVE, HEREFORD. HR1 1HT</p> <p>Ward: Frome</p> | 21 - 28 |
| 6. | <p>DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ FOR: SHAW HEALTHCARE HEREFORDSHIRE LTD PER PENTAN PARTNERSHIP, BEAUFORT STUDIO, 1 ATLANTIC WHARF, CARDIFF, CF10 4AH</p> <p>Ward: Ledbury</p> | 29 - 38 |
| 7. | <p>DCNE2005/0926/F & DCNE2005/1020/C - REMOVAL OF OLD GLASS HOUSE AND CONSTRUCTION OF 5 DWELLINGS AS CAR FREE SCHEME, HOMEND/SECRET GARDEN, FOX LANE, LEDBURY, HEREFORDSHIRE FOR: R HARPER ESTATE PER PLANNING SOLUTIONS, 96 ROCK HILL, BROMSGROVE, WORCESTER, B61 7HX</p> <p>Ward: Ledbury</p> | 39 - 46 |
| 8. | <p>DCNE2005/1352/F - CONVERSION OF BARNs TO ONE DWELLING IN SUPPORT OF AGRICULTURAL HOLDING AT UPPER HOUSE BARNs, PUTLEY, HEREFORDSHIRE. HR8 2QR FOR: MESSRS D J PARDOE PER MR N J TEALE, BRAMBLES FARM, NAUNTON, UPTON-UPON-SEVERN, WORCESTERSHIRE WR8 0PZ</p> <p>Ward: Frome</p> | 47 - 50 |
| 9. | <p>DCNW2005/1014/F - DEMOLITION OF EXISTING SKITTLE ALLEY & CONSTRUCTION OF OVER-NIGHT ACCOMODATION BUILDING COMPRISING SEVEN BEDROOMS, LAUNDRY ROOM & BIN AREA. THE CORNERS INN, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9RT FOR: FOUR CORNERS LEISURE LTD PER MR P TITLEY NEW COTTAGE UPPER COMMON EYTON LEOMINSTER HR6 OAQ</p> <p>Ward: Bircher</p> | 51 - 58 |
| 10. | <p>DCNW2005/1046/F - CONSTRUCTION OF TWO DWELLINGS TO REPLACE EXISTING BUNGALOWS. EDDE CROFT AND BARLEYCROFT, AT AULDEN, IVINGTON, LEOMINSTER, HEREFORDSHIRE, HR6 0JU FOR: N C & O J POWELL PER MR P L EVERALL, LITTLE TREBERON, PENCOYD, HEREFORDSHIRE, HR2 8ND</p> <p>Ward: Golden Cross with Weobley</p> | 59 - 62 |

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| 11. | <p>DCNW2005/1056/F & DCNW2005/1057/L - CONVERSION OF REDUNDANT FARM BUILDING TO FORM SIX HOUSES. MARLBROOK HALL, AT LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HR FOR: S R MORGAN & SONS, BURTON & CO, LYDIATT PLACE, BRIMFIELD, LUDLOW, SHROPSHIRE, SY8 4NP</p> <p>Ward: Mortimer</p> | 63 - 72 |
| 12. | <p>DCNW2005/1067/F - PROPOSED AGRICULTURAL BUILDINGS AT MARLBROOK HALL, LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HR FOR: S R MORGAN & SONS BURTON & CO LYDIATT PLACE BRIMFIELD LUDLOW SHROPSHIRE SY8 4NP</p> <p>Ward: Mortimer</p> | 73 - 80 |
| 13. | <p>DCNC2005/0545/F - DEMOLITION OF SIDE EXTENSION, CONVERSION OF STORAGE AREAS TO ADDITIONAL ACCOMMODATION AND REPLACEMENT GARAGE & DCNC2005/1081/L - DEMOLITION OF COTTAGE EXTENSION, CHIMNEY AND GARAGE. REPAIRS AND RENEWALS TO ROOF, CHIMNEY, WINDOW FRAMES, BOARDING AND STONEMWORK. NEW PORCH AT SUNNY HILL, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DY FOR:G. P. THOMAS & SON</p> <p>Ward: Upton</p> | 81 - 84 |
| 14. | <p>DCNC2005/0547/F - ERECTION OF 2 COTTAGES WITH GARAGES AND ENTRANCE DRIVES AT SUNNYHILL, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DY FOR: G P THOMAS & SON LTD PER DAVID TAYLOR CONSULTANTS THE WHEELWRIGHT'S SHOP PUDLESTON LEOMINSTER HEREFORDSHIRE HR6 0RE</p> <p>Ward: Upton</p> | 85 - 88 |
| 15. | <p>DCNC2005/0983/F - CHANGE OF USE TO A3 BETWEEN HOURS OF 8.00 - 14.00 MONDAY - SATURDAY AT 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE FOR:MR M ROHDE PER MR J PHIPPS BANK LODGE, COLDWELLS ROAD, HOLMER, HEREFORD, HR1 1LH</p> <p>Ward: Leominster South</p> | 89 - 92 |
| 16. | <p>DCNC2005/0991/F - CHANGE OF USE OF DISUSED DUTCH BARN INTO GARAGING ADJACENT TO POPLANDS BARN, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NN FOR: MR E CLARK PER MR J I HALL, NEW BUNGALOW, NUNNINGTON, HEREFORD, HR1 3NJ</p> <p>Ward: Hampton Court</p> | 93 - 98 |

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| 17. | <p>DCNC2005/1012/F - CHANGE OF USE WITH ASSOCIATED WORKS TO NON-COMMERCIAL AGRICULTURAL MACHINERY REPAIR & SERVICE WORKSHOP, WITH OFF-ROAD PARKING FOR THREE LORRIES AT UPPER HOUSE FARM, EDWIN RALPH, BROMYARD, HEREFORDSHIRE FOR: R HARRIS POULTRY SERVICES PER THE LAND USE CONSULTANCY, 141 BARGATES, LEOMINSTER, HEREFORDSHIRE HR6 8QS</p> <p>Ward: Bringsty</p> | 99 - 104 |
| 18. | <p>DCNC2005/1032/F - ALTERATIONS AND EXTENSION TO CREATE AN ADDITIONAL DWELLING AT 3 LOCKHILL COTTAGES, LOCKHILL, UPPER SAPEY, WORCESTER, HEREFORDSHIRE, WR6 6XR FOR: G C YARNOLD & SON PER LINTON DESIGN GROUP, 27 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4AA</p> <p>Ward: Bringsty</p> | 105 - 108 |
| 19. | <p>DCNC2005/1075/O - SITE FOR RESIDENTIAL DEVELOPMENT DOWNS GARAGE, 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF FOR: MR DENNIS ROWLAND JONES & AMANDA JANE JONES</p> <p>Ward: Leominster South</p> | 109 - 114 |
| 20. | <p>DCNC2005/1189/F - DEMOLITION OF HOLIDAY FLAT AND ERECTION OF A DETACHED HOUSE AT WHEELWRIGHT ARMS, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RN FOR: MR & MRS C CLARK AT THE SAME ADDRESS</p> <p>Ward: Bromyard</p> | 115 - 118 |
| 21. | <p>DCNC2005/1416/F - TWO STOREY SIDE EXTENSION AT 17 GODIVA ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8UQ FOR: MR G L WILCOCKS OF 5 RANELAGH STREET, HEREFORD, HR4 0DT</p> <p>Ward: Leominster North</p> | 119 - 122 |

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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, 18th May, 2005 at 2.00 p.m.

Present: Councillor J.W. Hope MBE (Chairman)
Councillor K.G. Grumbley (Vice Chairman)

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

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

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BF Ashton, B Hunt and RM Manning.

2. DECLARATIONS OF INTEREST

Councillor	Item	Interest
WLS Bowen RBA Burke JP Thomas	Item 9 - DCNC2005/0103/F - Demolition of onsite cabins and 1970's extension. conversion and extension to shared house at Grange House, The Grange, Pinsley Road, Leominster, Herefordshire, HR6 8NP	Prejudicial and left the meeting for the duration of this item
Mrs LO Barnett	Item 8 - DCNC2004/2148/F - Retrospective application to remove conditions 2 & 3 (planning permission 97/0953/N) and condition 5 (planning permission 900852) to allow the sale of non-convenience goods and to allow class A1 retail use within the former creche facility at Safeway Stores plc, Barons Cross Road, Leominster, Herefordshire, HR6 8RH	Personal and left the meeting after making a statement at the beginning of the item

3. MINUTES

RESOLVED: That the Minutes of the meeting held on 20th April, 2005 be approved as a correct record and signed by the Chairman, subject to the replacement of "Wood Lane" with "Eywood Lane" in Informative 7 of Minute 244 - DCNW2005/0326/F - Conversion Of Barns Into Seven Dwellings At Balance Farm, Titley, Kington, Herefordshire, HR5 3RU.

4. CHAIRMANS ANNOUNCEMENTS

The Chairman welcomed Councillor KG Grumbley as the new Vice Chairman of the Sub-Committee and thanked Councillor J Stone for his work as Vice-Chairman for the past 2 years.

The Chairman drew attention to a forthcoming planning application in respect of a site for residential development at Barons Cross Leominster and it was agreed that a site inspection should be undertaken 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.

5. ITEM FOR INFORMATION - APPEALS

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

6. APPLICATIONS RECEIVED

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

7. DCNC2005/0103/F - DEMOLITION OF ONSITE CABINS AND 1970'S EXTENSION. CONVERSION AND EXTENSION TO SHARED HOUSE AT GRANGE HOUSE, THE GRANGE, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP FOR: MARCHES HOUSING ASSOCIATION PER BERNARD TAYLOR ASSOCIATION ELIZABETH HOUSE 486 DIDSBURY ROAD HEATON MERSEY STOCKPORT SK4 3BS (AGENDA ITEM 9)

Councillor Mrs LO Barnett said that it had to be borne in mind that although the Sub-Committee was dealing with a planning application for the building, this was not a commitment to the project automatically proceeding and that it would be the subject of considerable debate in other arenas.

In accordance with the criteria for public speaking Mr Hunt of Leominster Town Council and Mr Gaskin spoke against the application.

Councillor RBA Burke, one of the Local Ward Members expressed his astonishment that the application was submitted for approval and felt that the proposal would be an inappropriate use of the building, that it would have an adverse impact upon the important historic area of the town and adjoining residents, and that there was inadequate car parking provision within the scheme. Councillor Mrs JP French said that she had received some unfair criticism about not making her views known about the scheme and pointed out that she was not able to comment until she had received all the facts at the meeting. She felt that there were a number of issues which needed to be taken into consideration before a decision could be made about the scheme and outlined what these were. She was of the opinion that there was a need for a strategy for the centre of the town and that it was inappropriate for the scheme to proceed in isolation. There was need to consider all the implications before dealing with a planning application and she therefore suggested that it be deferred pending receipt of all the facts. Councillor TM James pointed out that the building was in a high profile location and doubted its suitability for the provision of accommodation for homeless persons because of the inherent danger that they would be labelled. He felt that a more discreet location in the town would be better for such residents. Councillor RJ Phillips said that the provision of accommodation for the homeless was an important issue and that the location needed to be considered carefully together with a high standard of management. Notwithstanding all the points made, Councillor RBA Burke felt that the application should be refused on a number of grounds and put forward what he considered those to be. A motion that the application be refused was lost.

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

8. DCNE2005/0492/F - ERECTION OF THREE COTTAGES AT LAND OFF QUEENS COURT, LEDBURY, HEREFORDSHIRE FOR: MR & MRS J CHANCE, WALL, JAMES & DAVIES 15-23 HAGLEY ROAD STOURBRIDGE WEST MIDLANDS DY8 1QW (AGENDA ITEM 7)

In accordance with the criteria for public speaking, Mr Jolly the applicants agent, spoke in favour of the application.

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

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

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

2 - B01 (Samples of external materials)

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

3 - A07 (Development in accordance with approved plans)

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

4 - E18 (No new windows in specified elevation)

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

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - F48 (Details of slab levels)

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

7 - G01 (Details of boundary treatments)

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

8 - H29 (Secure cycle parking provision)

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

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

- 9. DCNC2004/2148/F - RETROSPECTIVE APPLICATION TO REMOVE CONDITIONS 2 & 3 (PLANNING PERMISSION 97/0953/N) AND CONDITION 5 (PLANNING PERMISSION 900852) TO ALLOW THE SALE OF NON-CONVENIENCE GOODS AND TO ALLOW CLASS A1 RETAIL USE WITHIN THE FORMER CRECHE FACILITY AT SAFEWAY STORES PLC, BARONS CROSS ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8RH FOR: SAFEWAY STORES LTD PER DTZ PIEDA CONSULTING 10 COLMORE ROW BIRMINGHAM B3 2QD (AGENDA ITEM 8)**

Councillor JP Thomas, one of the Local Ward Members had reservations about the application because of the potential loss of a community facility which had been part of the original planning permission. He was unhappy with this situation and expressed the view that further discussion should be held with the applicants to ascertain if there was a possibility of alternative community provision being made. The Sub-Committee concurred with his views.

RESOLVED: That consideration of the application be deferred pending discussion between the officers and the applicant about the possibility of securing alternative community gain.

10. DCNE2005/0913/F - CONVERSION OF FORMER NURSERY UNIT TO RESIDENTIAL USE AT WYE FRUIT LTD, BROMYARD ROAD, LEDBURY, HEREFORDSHIRE, HR8 1LG FOR: WYE FRUIT FARM LTD PER STMR ARCHITECTS, BIDEFORD HOUSE, CHURCH LANE, LEDBURY, HEREFORDSHIRE, HR8 1DW (AGENDA ITEM 10)

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

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

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

- 2 - The accommodation hereby approved shall be occupied only by persons who are employed by Wye Fruit Limited on the site edged red on the approved plans.

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

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

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

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

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

- 5 - H29 (Secure cycle parking provision)

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

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

Informatives:

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

11. **DCNE2005/1000/F - CONVERSION OF EXISTING PUBLIC HOUSE TO 4 FLATS AND 1 NO HOUSE, 1 NO NEW HOUSE INCLUDING GARAGES AND CAR PARKING, USING EXISTING VEHICULAR ACCESS AND DEMOLITION OF OUTBUILDINGS AT THE ODDFELLOWS, WALWYN ROAD, COLWALL MALVERN, WORCESTER FOR: LEDBURY PARK DEVS LTD PER MR N SHEPHERD GOLDEN LEA GRAFTON LANE BINTON STRATFORD ON AVON W37 9TZ (AGENDA ITEM 11)**

Councillors R Mills and RV Stockton, the Local Ward Members had concerns that the applicant had not provided any evidence that the former public house had been the subject of market testing prior to the application being made for its conversion to residential accommodation.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to refuse the application because the applicants had not provided evidence of market testing having been undertaken prior to submitting the application for residential use of the site.

12. **DCNE2005/1008/F - ADDITIONAL LINKED TWO STOREY DWELLING, FORMATION OF REAR AMENITY SPACE AND EXTENSIONS & DCNE2005/1009/C - DEMOLITION OF OUTBUILDINGS AND GROUND FLOOR EXTENSION TO 2 THORNES PLACE LAND AT REAR OF THE FORMER PLOUGH HOTEL, 74 THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BX FOR: MR R S JONES HARCOURT DESIGN ASSOCIATES THE OLD BELL HARCOURT ROAD MATHON MALVERN WR13 5PG (AGENDA ITEM 12)**

The receipt of a letter of objection about the density of the development and loss of light was reported.

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

RESOLVED: That
NE05/1008/F

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to promote the use of non car based modes of travel and to seek the provision of a bicycle with each of the dwellings' and not to tie the dwelling to the existing property and to set out heads of agreement and any additional matters and terms as she considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 - 1 - **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 - 2 - **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
 - 3 - **C02 (Approval of details)**

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

4 - E16 (Removal of permitted development rights)

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

5 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

6 - F20 (Scheme of surface water drainage)

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

7 - G01 (Details of boundary treatments)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 - G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

11 - G15 (Landscaping implementation)

Reason: To ensure the site is satisfactorily landscaped.

12 - H13 (Access, turning area and parking)

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

13 - H21 (Wheel washing)

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

Informatives:

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

2 - N14 - Party Wall Act 1996

NE2005/1009/C

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

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

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

- 2 - A06 – Development in accordance with approved plans.

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

Informatives:

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

13. DCNW2005/0573/F - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF FARM YARD AND AGRICULTURAL BUILDING TO PLANT HIRE BUSINESS AND SITING OF PORTACABIN AT HOME FARM, BIRCHER, LEOMINSTER, HEREFORDSHIRE, HR6 0AX FOR: MR B MANTLE PER JOHN AMOS AND CO. LION HOUSE BROAD STREET LEOMINSTER HEREFORDSHIRE HR6 8BT (AGENDA ITEM 13)

The receipt of a letter expressing concern about noise and requesting stricter controls on the hours of opening at weekends, washing vehicles and drainage was reported. The Principal Planning Officer said that a request had been received from the applicant for the conditions about highways and drainage to be removed, but that she had advised him that this would not be acceptable.

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

RESOLVED: That planning permission be granted with the following conditions:

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

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

- 2 - E22 (Temporary permission (portacabin)
Reason: the local planning authority is only prepared to allow this portacabin as a temporary measure due to its location within a conservation area.

- 3 - F20 (Scheme of surface water drainage)

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

- 4 - F32 (Details of floodlighting/external lighting)
Reason: To safeguard local amenities and impact on rural landscape.

5 - G04 (Landscaping scheme (general))

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

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

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

Informatives:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****14. DCNW2005/0743/F - CONVERSION AND EXTENSION OF EXISTING OUTBUILDINGS TO FORM NEW SINGLE STOREY DWELLING AT 2 LUGG GREEN COTTAGES, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SW FOR: MR B BOTWOOD PER SOUTHGATE ASSOCIATES, THE STUDIO, SUNNY BANK, KINGSLAND, HEREFORD, HR6 9SE (AGEDA ITEM 14)**

The Senior Planning Officer reported that an additional condition would be imposed requiring the window in the west elevation of the property to be opaque and not to be able to be opened outwards.

RESOLVED: That

1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 tying the dwelling to the existing property and to set out heads of agreement and any additional matters and terms as she considers appropriate.

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

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

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

5 - E15 (Restriction on separate sale)

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

6 - E16 (Removal of permitted development rights)

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

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

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - NC02 - Warning against demolition**

15. DCNW2005/0752/F - CHANGE OF USE FROM PADDOCK TO RESIDENTIAL CURTILAGE AT THE BOTHY, LOWER HERGEST, KINGTON, HR5 3EN FOR: MR D BROADLEY AT THE SAME ADDRESS (AGENDA ITEM 15)

The receipt of the views of the Parish Council was reported.

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

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

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

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

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

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

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

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

Reason: In order to ensure to protect the visual amenities of the area and

amenities of the neighbouring properties.

Informatives:

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

16. DCNW2005/1097/F - ERECTION OF ONE DWELLING WITH INTEGRAL GARAGE AT THE BIRCHES, ALMELEY, HEREFORDSHIRE, HR3 6LQ FOR: MR & MRS F HARRIS PER MS R REED, REED ARCHITECTS LLP, HERONGATE, CARMEL COURT, PRESTEIGNE, POWYS, LD8 2LD (AGENDA ITEM 16)

In accordance with the criteria for public speaking Mr Beresford of Almeley Parish Council and Mr Battenti spoke against the application and Ms Reed the applicants agent spoke in favour.

The Northern Team Leader explained about the details of the application and said that the second proposed dwelling had been deleted from the scheme but that the layout remained unaltered. The Sub-Committee felt that it was necessary for the officers to undertake further consultation with the parish council about the revised proposals before the application was approved.

RESOLVED: That the officers named in the scheme of delegation to officers be authorised to approve the application after further consultation with the Almeley Parish Council and subject to no material planning representations being received and subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

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

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

5 - C10 (Details of roof lights)

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

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

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

7 - E16 (Removal of permitted development rights)

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

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

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

9 - G04 (Landscaping scheme (general))

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

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

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

11 - H12 (Parking and turning - single house)

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

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

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

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

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

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

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

Informatives:**1 - N15 - Reason(s) for the Grant of PP/LBC/CAC****17. DCNW2004/3076/F - CHANGE OF USE TO SITE FOR CARAVANS FOR FRUIT PICKERS (RETROSPECTIVE APPLICATION) AT OAKCHURCH FARM, STAUNTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NEFOR: E & J PRICE AT SAME ADDRESS (AGENDA ITEM 17)**

In accordance with the criteria for public speaking Major Berry and Mrs Pugh spoke against the application and Mr Rose, the applicants agent, spoke in favour.

The Sub-Committee had some concerns about the arrangements for sewage disposal at the site but the Senior Planning Officer said that this would be dealt with by conditions within the planning consent. He also advised that once consent had

been granted, the applicants would be able to apply for a site licence from the Environmental Health and Trading Standards Department and that this would be a requirement of the consent.

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

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

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

- 2 - E32 (Static holiday caravan occupancy) (1st December – 31st January)

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

- 3 - E36 (Caravan colours)

Reason: To minimise visual intrusion.

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

Reason: To prevent pollution of the water environment.

- 5 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

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

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

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

Reason: To safeguard local amenities.

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

Reasons: In order to protect the surrounding landscape and improve the

visual impact of the development on the surrounding landscape.

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

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

10 - G06 (Scope of landscaping scheme)

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

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

Reason: To safeguard the amenity of the area.

12 - G10 (Retention of trees)

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

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

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

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

Reasons: In order to ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both Local and National Planning Policy.

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

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

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

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

Informatives:

1 - The applicants are reminded that a footpath (Staunton SY10) passes

within close proximity to the application site and are reminded that it is an offence to obstruct or encroach onto this footpath which must remain at its historic width at all times.

- 2 - The applicants are reminded of the requirement for a site license from Herefordshire County Council's Environmental Health Section.**
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC**

The meeting ended at 4.30 p.m.

CHAIRMAN

4 ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNE2005/0174/F**

- The appeal was received on 26th May 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs DM Smith
- The site is located at Oakley House, Greenhill, Cradley, Malvern. WR13 5DY
- The development proposed is Two storey extension to side of dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Edward Thomas on 01432 261795

Application No. DCNW2005/0306/F

- The appeal was received on 25th April 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Pugh
- The site is located at Land to the rear of Stoneleigh, Kingsland, Herefordshire
- The development proposed is Substitution of house types on approved residential development of four dwellings
- The appeal is to be heard by Inquiry

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNE2005/0007/RM

- The appeal was received on 6th May 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs D E Millington Jones
- The site is located at Land west of access to Millfields, Canon Frome, Herefordshire
- The development proposed is Single storey dwelling with attached garage
- The appeal is to be heard by Written Representations

Case Officer: Ed Thomas on 01432 261795

APPEALS DETERMINED

Application No. DCNC2004/3082/F

- The appeal was received on 10th December 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by J L P Tomkins
- The site is located at Land to the rear of 79 South Street, Leominster
- The application, dated 17TH August 2004 , was refused on 18th November 2004
- The development proposed was Proposed detached dwelling
- The main issue is the effect of the proposed dwelling on the living conditions of the occupiers of neighbouring dwellings, especially in terms of loss of privacy, noise and disturbance.

Decision: The appeal was **UPHELD** on 23rd May 2005

Case Officer: Mark Tansley on 261956

Application No. DCNE2004/0703/F

- The appeal was received on 27th October 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Rural Homes
- The site is located at 26 & 28 Albert Road, Ledbury, Herefordshire, HR8 1DW
- The application, dated 4th February 2004, was refused on 30th July 2004
- The development proposed was Residential development of 11 dwellings, access, parking and garaging.
- The main issues are the effect of the proposed development of the character and appearance of the surrounding area, and the effect of the proposed development on the living conditions of the occupiers of No. 24 and No. 30 Albert Road in respect of noise and disturbance, privacy and visual impact.

Decision: The appeal was **ALLOWED** on 10th May 2005

Case Officer: Andrew Banks on 01432 261803

Application No. DCNW2004/1440/O

- The appeal was received on 25th June 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Duncan Cameron & Sons Ltd
- The site is located at Land at the Buttley, The Vineyards, Winforton, Hereford, Herefordshire, HR3 6EA
- The application, dated 21st April 2004, was refused on 15th June 2004
- The development proposed was Outline application for new residential development.

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

- The main issues are whether the proposed development would conflict with national and local policies relating to the control of residential development in the countryside and to local needs affordable housing. Also the effect of the proposed development on the character and appearance of Winforton and of the surrounding countryside, and the effect of the proposed development on flood risks.

Decision: The appeal was **DISMISSED** on 9th May 2005

Case Officer: Adam Sheppard on 01432-261808

Application No. DCNC2004/2111/F

- The appeal was received on 13th January 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr N Hill
- The site is located at Corner Cottage, Newtown, Leominster, Herefordshire, HR6 8QD
- The application, dated 2nd June 2004, was refused on 11th November 2004
- The development proposed was Retrospective application for construction of a storage shed for implements and machinery
- The main issues are the effect of the shed on the character and appearance of the area, as well as the impact on the living conditions of the occupiers of Llwyn, the neighbouring property to the north of the appeal site

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

Case Officer: Duncan Thomas on 01432 383093

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

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

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

Date Received:
7th December 2004

Ward:
Frome

Grid Ref:
66483, 48560

Expiry Date:
1st February 2005

Local Member: Councillor R Manning

Introduction

Following a site visit, the application was considered by the Northern Area Planning Sub-Committee on 23rd March 2005. It was resolved to approve the proposal for an extension to an industrial building subject to a Section 106 Agreement to secure a financial contribution towards improvements to pedestrian safety for the residents of the Summerpool Estate, which lies to the south-west of the application site.

Representations

The applicant has been formally advised of the committee's resolution requiring a financial contribution and has now responded, stating that they are not willing to enter into an Agreement for the following reasons:

The boundaries and site area of the Bishops Frome Employment Site were originally defined by the Bromyard Urban District Council. The subsequent Malvern Hills District and Hereford County Councils have, as far as we are aware, endorsed the original designation of the site, which interestingly has never been extended. Its defined use and curtilage is therefore a matter of history and outside our control.

Planning guide lines continue to dictate that Industry should be located near to centres of residential population. It is therefore not surprising that from time to time traffic will become a problem.

As developers of Employment Land we are severely restricted by the scarcity and resultant high cost of land, which our planning regulation appears to encourage. We therefore have to make full use of the small amount of land we have and this we feel is the fundamental problem.

As far as we are aware, Section 106 Agreements are normally applied where, for example, a developer submits an application for a change of use, where otherwise he might benefit unreasonably from substantial "Planning Gain". A Section 106 Agreement would be a way of diverting part of this "Gain" back into the local economy.

In the case of the above application the opposite is true. We had to pay a premium price for the land which was the last remaining plot on the site and the sellers were encouraged in the knowledge that it completed our ownership of the entire site.

We accept the limitations of Summerpool road and the need to improve pedestrian safety but feel that such improvement should be the responsibility of the Local Authority or the Elgar Housing Association.

The current occupiers of Unit 16 are in serious need of space for the expansion of their business and we feel that it is unreasonable in the circumstances to penalise us for trying to provide that space.

For the above reasons we ask that you reconsider the imposition of a Section 106 contribution and grant us planning permission without reference to it.

Officers Appraisal

The proposal represents a small increase in floor area in respect of the industrial estate as a whole. As stated in the original report, the resultant building is to be used as warehousing by an existing business on the site and consequently is unlikely to add to any significant degree to the daily traffic movements to and from the site as a whole.

It is a minor proposal and it is your officers opinion that it would be unreasonable to require the applicants to make a financial contribution to improve pedestrian safety on the basis of this application as it will have a minimal impact to increase vehicle movements.

It is therefore recommended that the application is approved as per the conditions originally stated and without the requirement that the applicant enter into a Section 106 Agreement.

The original report to Committee follows as an appendix to this updated report.

Recommendation

That planning permission be recommended subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B03 (Matching external materials (general))

Reason: To ensure the satisfactory appearance of the development.

4 - F27 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

5 - G04 (Landscaping scheme (general))

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

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

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

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

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

8 - H29 (Secure cycle parking provision)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

ORIGINAL REPORT**DCNE2004/4186/F - EXTENSION TO EXISTING UNIT AT
UNIT 16, COURT FARM BUSINESS PARK, BISHOPS
FROME, WORCESTER, HEREFORDSHIRE, WR6 5AY****For: W J Holden & Associates per Michael Latchem &
Associates, 9 Aylestone Drive, Hereford. HR1 1HT****Date Received:
7th December 2004****Ward:
Frome****Grid Ref:
66483, 48560****Expiry Date:
1st February 2005**

Local Member: Councillor R Manning

Introduction

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

1. Site Description and Proposal

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

2. Policies**Malvern Hills District Local Plan**

Employment Policy 10 – Expansion on Industrial Sites

Hereford and Worcester County Structure Plan

Policy E6 – Industrial Development in Rural Areas

Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy E6 – Expansion of Existing Businesses

3. Planning History

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

4. Consultation SummaryStatutory Consultations

4.1 Environment Agency - No objection subject to condition.

Internal Council Advice

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

5. Representations

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

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

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

6. Officers Appraisal

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

6.2 The key consideration is that of traffic generation and the adequacy of on site parking provision. The Highways Department have been involved in negotiations with the applicants agent with regard to the latter of these two points and are now satisfied with the arrangements to be made. These will improve parking provision on the business

park more generally, rather than being solely generated by an application for what is a modest extension in the context of its surroundings.

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

RECOMMENDATION

That planning permission be recommended subject to the following conditions:

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

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

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

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

- 3 - B03 (Matching external materials (general))**

Reason: To ensure the satisfactory appearance of the development.

- 4 - F27 (Interception of surface water run off)**

Reason: To prevent pollution of the water environment.

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

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

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

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

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

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

8 - H29 (Secure cycle parking provision)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

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

Date Received:
3rd March 2005

Ward:
Ledbury

Grid Ref:
70744, 38028

Expiry Date:
28th April 2005

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

Introduction

This application was deferred by the Northern Area Planning Sub-Committee pending the submission of, and re-consultation on amended plans. This process is now complete and the proposal is to be considered in its amended form.

The proposal has been designed as two residential wings, linked by a new day care facility. The first wing creates a road frontage along Orchard Lane and this is stepped to create visual breaks and to reduce its overall dominance in the street scene. It is 3 ½ storeys and has a maximum ridge height of 13.4 metres. The second wing lies behind and comprises a 2 ½ storey element, 10.3 metres in height. The two are linked by a single storey day care area which also serves as the main focal point and entrance to the building.

Representations

Ledbury Town Council comment as follows: 'Members still consider this to be over-development of the site and feel that the proposals are totally out of keeping for the area. There has been no significant change to the original application (refer to Section 70A of the Town and Country Planning Act). The Scale, mass, height (which is still 45ft) form and design would dominate the street-scene and have an adverse effect upon the whole local environment. The proximity of the proposed building to Orchard Lane would pose a considerable threat during construction particularly as this is a 'Safer Route to School.'

A further 66 letters of representation have been received following the re-consultation exercise.

The issues raised are principally the same as those expressed originally. These are rehearsed in the report to Committee of 20th April 2005, but to summarise the recurring themes are as follows:

1. Over-dominance in the street scene.

2. Lack of adequate parking.
3. Potential for building to be located elsewhere within the site.

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.

Officers Appraisal

The issues that have been raised as a result of the re-consultation exercise are effectively the same as those raised to the original scheme. Attention is particularly drawn to paragraphs 6.3 to 6.7 of the original report, which is attached here as an appendix.

In light of the fact that no new issues have been raised, your officers recommendation remains unchanged. The application is therefore 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 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 - F48 (Details of slab levels)

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

7 - G01 (Details of boundary treatment)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 - H29 (Secure cycle parking provision)

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

11 - H27 (Parking for site operatives)

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

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

Reason: To promote sustainable forms of transport.

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

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

Informative:

1. N15 – (Reasons for planning permission)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

ORIGINAL REPORT**DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ****For: Shaw Healthcare Herefordshire Ltd per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff, CF10 4AH****Date Received:**
3rd March 2005**Ward:**
Ledbury**Grid Ref:**
70744, 38028**Expiry Date:**
28th April 2005

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

1. Site Description and Proposal

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

shows the proposal in relation to Orchard Lane and other features in the immediate area including Belle Orchard House, a Grade II Listed Building, and residential dwellings to the rear (north) of the site.

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

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC9 – Development Requirements
CTC11 – Trees and Woodlands

2.2 Malvern Hills District Local Plan

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

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

3. Planning History

None relevant to this application.

4. Consultation Summary

Statutory Consultations

- 4.1 None received.

Internal Council Advice

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

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

5. Representations

- 5.1 Ledbury Town Council comment as follows: 'Members considered the proposals to be totally out of keeping for the area. A 5 storey building would be alien to Ledbury. The resulting height, combined with the use of the proposed balconies would create an unacceptable degree of overlooking of the neighbouring properties. Lack of sufficient car parking facilities would result in overspill into surrounding areas. The building is overbearing due to the close proximity to the footway in Orchard Lane. Members queried the effect this proposal would have upon the 'Safer Routes to Schools'. The scale, mass, height, form and design would dominate the streetscene and adversely affect the residential amenity of the neighbouring properties.'
- 5.2 25 letters of objection and a reproduced letter submitted by 122 individuals (effectively treated as a petition) also objecting to the application have been received. In summary the points raised are as follows:
- 1) There is no precedent for five storey buildings in Ledbury.
 - 2) The proposal will be overly dominant and will have a major impact on the surrounding area.
 - 3) The design and choice of materials is not inkeeping with the surrounding area.
 - 4) The introduction of balconies will reduce privacy for local residents.
 - 5) The proposal will cause highway safety issues, particularly due to the proximity of the primary school and recreation area opposite.
 - 6) The scheme provides insufficient car parking, both for residents and employees.
 - 7) The scheme requires the removal of many trees and the reduction of the roadside hedge. This will reduce the sense of open space.

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

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

6. Officers Appraisal

6.1 In broad terms, this is a very well considered planning application. It provides a high level of detail and covers all of the key issues that are of relevance.

6.2 Nevertheless, it has generated a significant degree of public interest and a large number of letters of representation. If this application is to be considered favourably the issues raised by the objectors should be given careful thought.

6.3 The general form and layout was discussed at some length with officers prior to the submission of the application, and the submitted scheme generally follows those discussions. It is your officer's opinion that the creation of a frontage development is most appropriate given the constraints of the site and the desire to retain the existing building until completion of any future development. The contours of the site allow for the frontage to be of a mixed height and set back to create visual breaks and shadow lines, adding interest to the appearance of the development. It is accepted that this approach will require the removal of a number of trees and the reduction of the roadside hedgerow. The applicant's agent has given careful consideration to this and the layout seeks to minimise the level of vegetation removal.

6.4 The positioning and layout of the scheme is therefore accepted. The scheme indicates that substantial re-landscaping will occur and this could be addressed through a suitably worded condition.

6.5 In accepting the proposed layout it is also acknowledged that the existing point of vehicular access is most appropriately re-used. The Traffic Manager does not object to this and by doing so further incursions into the Orchard Lane road frontage are avoided.

6.6 The applicant's agent advises that the car parking provision is based on data from fully operational extra care developments. They advise that this indicates a very low level of car ownership amongst residents, often due to mental or physical frailties, which prohibit driving.

6.7 The parking provision has not been queried by the Traffic Manager. The site is in close proximity to services and facilities in Ledbury and in this respect is considered to be a sustainable location. Such an approach is reflective of advice given by PPG13 – Transport which adopts a flexibility towards car parking standards in town centre locations. This aspect of the proposal is also considered to be acceptable, subject to the preparation of a Green Transport Plan.

6.8 It therefore falls to consider the design, scale and appearance of the proposed scheme. The comments of the Conservation Officer are most pertinent here. The employment of a variety of methods, breaking the height, varying material choice and introducing shadow lines, all go some way to reducing the overall bulk and dominance of the building along the road frontage. The application has been amended since its original submission. The height of the 5 storey element has been reduced to 3½ storeys and further breaks have been introduced into the roof. These amendments are considered to address the concerns of height and dominance and the application is therefore considered to be acceptable in this respect.

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

RECOMMENDATION

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

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

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

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 – F48 (Details of slab levels)

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

7 - G01 (Details of boundary treatment)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 - H29 (Secure cycle parking provision)

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

11 - H27 (Parking for site operatives)

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

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

Reason: To promote sustainable forms of transport.

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

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

Informative:

1. N15 – (Reasons for planning permission)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7A DCNE2005/0926/F - REMOVAL OF OLD GLASS HOUSE AND CONSTRUCTION OF 5 DWELLINGS AS CAR FREE SCHEME, HOMEND/SECRET GARDEN, FOX LANE, LEDBURY, HEREFORDSHIRE

7B DCNE2005/1020/C – THE SAME.

For: R Harper Estate per Planning Solutions, 96 Rock Hill, Bromsgrove, Worcester, B61 7HX

Date Received:
22nd March 2005

Ward:
Ledbury

Grid Ref:
70943, 37889

Expiry Date:
17th May 2005

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

1. Site Description and Proposal

- 1.1 This application is for the erection of five dwellings on land at The Secret Garden, The Homend, Ledbury, comprising one 2-bed and four 3-bed properties.
- 1.2 The site falls within Ledbury Conservation Area and lies behind the principal road frontage of The Homend. It is currently used as a garden centre and is occupied by a large glass house. This is also to be removed and its demolition is to be considered under the cover of application reference NE05/1020/C.
- 1.3 The application site is an area of transition between the historic frontage of The Homend and the modern development of flats along Lawnside Road which lies to the east. Fox Lane bounds the site to the south and this is to be the principal point of access to the dwellings.
- 1.4 The site slopes from east to west and is generally well spaced from other buildings in the locality. The land is defined by medieval burgage plots and the proposal follows this linear form of development through the introduction of a row of terraced dwellings fronting onto Fox Lane. The plans show one 2-storey and four 2 1/2-storey dwellings with a maximum ridge height of 9.3 metres. A street scene submitted as part of the application indicates that this will be no higher than no. 56 The Homend, a Grade II listed building.
- 1.5 Each dwelling has its own private garden, but notably the scheme is described as being car-free. Hence, the proposal does not make any car parking provision.

2. Policies

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

H18 – Housing in Rural Areas Outside the Greenbelt

CTC7 – Listed Buildings and Conservation Areas
CTC9 – Development and Requirements
CTC15 – Conservation Areas
CTC18 – Development in Urban Areas

Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns
Housing Policy 3 – Settlement Boundaries
Housing Policy 17 – Residential Standards
Shopping Policy 2 – Principle Shopping and Commercial Areas
Shopping Policy 3 – Restrictions on Development within the Principle Shopping and Commercial Areas
Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 4 – Demolition of Unlisted Buildings in Conservation Areas
Conservation Policy 5 – Boundary Treatments in Conservation Areas
Conservation Policy 11 – The Setting of Listed Building
Conservation Policy 16 – Development within Archeologically Sensitive Areas Evaluation
Conservation Policy 17 – Development within Archeologically Sensitive Areas
Landscape Policy 8 – Landscape Standards
Transport Policy 3 – Provision for Pedestrians and Cyclists
Transport Policy 8 – Car Parking and Servicing Requirements
Transport Policy 9 – Safeguarding of Existing Car Parks
Transport Policy 10 – Car Park Design

Herefordshire Unitary Development Plan (Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
S6 – Transport
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
H1 – Hereford and the Market Towns Settlement Boundaries and Established Residential Areas
H13 – Sustainable Residential Design
H14 – Reusing Previously Developed Land and Buildings
H15 – Density
H16 – Car Parking
T6 – Walking
T7 – Cycling
T11 – Parking Provision
HB06 – New Development within Conservation Areas
HB07 – Demolition of Unlisted Buildings within Conservation Areas
Arch 1 – Archaeological Assessments and Field Evaluations

Other Guidance

PPG3 – Housing
PPG13 - Transport

3. Planning History

- 3.1 There is no history specifically relevant to this application. However, NE02/3499/F approved a similar car free scheme for 6 dwellings on land to the rear of the Plough Inn, The Homend subject to a Section 106 Agreement.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Consultations

- 4.2 Transportation Manager - No objections subject to condition. Notes that the town centre location makes refusal of the application unreasonable on highway grounds.
- 4.3 Conservation Manager - The proposal is acceptable provided that it is sympathetic to the historic appearance and character of Ledbury.

The centre of Ledbury is defined by Medieval burgage riggs, long narrow strips of land behind houses. Some of these have been developed in a linear fashion and give the town its distinctive plan.

The proposed houses should be moved closer to Fox Lane so that their rear walls mark the historic line of the burgage plot for 50/64 The Homend. This would allow the historic settlement pattern to be retained and also allow the development to proceed.

- 4.4 Archaeological Advisor - The site falls within a site of archaeological sensitivity and therefore an evaluation should be completed.

5. Representations

- 5.1 Ledbury Town Council - Recommend refusal. Considered to be a backland development of a site with access difficulties within a Conservation Area.
- 5.2 CPRE - The description as a 'car-free' scheme simply means that no car parking spaces are to be provided, it would appear that there is nothing to prevent the residents from owning cars and parking by the roadside.

We consider such schemes are not appropriate for an historic market town, not designed for modern traffic and already disfigured by rows of parked cars. We therefore ask the Council to refuse this application.

A total of six letters of objection have been received from the following:

J M Ireland, Mistletoe Cottage, 73 The Homend, Ledbury.
Miss L Dupuy, Flat 2 Bill's Yard, 135 The Homend, Ledbury.
Mrs H E Phillips, 24 Bank Crescent, Ledbury.
Mr M Jones, Horseshoe Cottage, 39 The Homend, Ledbury.
I E James, 39 Browning Road, Ledbury.
Mrs D Summerfield, Dado Cottage, 72A The Homend, Ledbury.

In summary the points raised are as follows:

1. Concern that pedestrian and vehicular access will be obstructed along Fox Lane during construction. Particular concern is raised by individuals renting garages on the opposite side of Fox Lane.
 2. The proposal will detract from the character and appearance of the area.
 3. The proposal represents over-development.
 4. It will affect the privacy and outlook of adjacent properties.
 5. Concern over the lack of car parking provision. A 'car-free' scheme cannot be enforced.
 6. The proposal represents backland development.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This proposal is almost identical in terms of the issues that it raises to the site to the rear of The Plough Inn, which also adopts the car free principle. This is potentially the single most contentious element of the scheme. The applicant's have indicated that they are willing to enter into a similar Section 106 Agreement to that on The Plough Inn site to promote and encourage other forms of transport and to provide bicycles for each of the dwellings.
- 6.2 The site is at the heart of Ledbury. This makes the site ideally suited to a car free development. Advice contained within both Planning Policy Guidance Notes 3 and 13 fully advocates such a proposal in the appropriate location. PPG3 states that developers should not be required to provide off street parking where there is no need, particularly in urban areas where public transport is available or where there is demand for car free houses. Furthermore, PPG13 states that the availability of car parking has a major influence on the means of transport people choose for their journeys. Studies suggest that even in areas well served by public transport, if parking is provided people will choose to travel by car. Therefore, if this option is removed, people are less likely to own a car or travel by car thereby creating a more sustainable environment. A car free development is unlikely to be appropriate with most sites but your Officers consider that this site given its scale, location and the type of housing proposed is ideally suited to such a proposal.
- 6.3 The development fronts onto Fox Lane; a well used pedestrian route into the town. Concerns that this may become obstructed during construction works are entirely legitimate but can be addressed by suitably worded conditions requiring the identification of a storage compound and an area for parking for site operatives prior to the commencement of development.

- 6.4 The Conservation Manager has noted that the development should respect the Medieval burgage layout of the town. Accordingly the development has been shifted closer to Fox Lane in accordance with his comments. Its linear form respects this historical context and as a result the scheme will not be detrimental to the character or appearance of the Conservation Area.
- 6.5 The development is of a high density, but again this is considered to generally reflect the character of the area. The orientation of the scheme is such that it will not cause any demonstrable loss of privacy to other properties which front onto The Homend. Furthermore, the site cannot be considered as one of backland as it fronts directly onto Fox Lane, and this will serve as its point of access.
- 6.6 The developer has commissioned a full archaeological evaluation and the further comments of the Council's advisor in this respect are awaited. However, a similar evaluation at The Plough Inn site did not reveal any significant finds.
- 6.7 In conclusion the proposal is considered to accord with Development Plan policies and national guidance in both PPG3 and PPG13. The application is therefore recommended for approval subject to a Section 106 Agreement to promote the use of non-car based modes of transport and to seek the provision of bicycles with each of the dwellings.

RECOMMENDATION

NE05/0926/F

The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to promote the use of non car based modes of travel and to seek the provision of a bicycle with each of the dwellings, and any additional matters and terms as she considers appropriate.

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

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

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

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

4 - C02 (Approval of details) (joinery details for all windows and doors)

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

5 - E16 (Removal of permitted development rights)

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

6 - D03 (Site observation - archaeology)

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

7 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

8 - 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.

9 - F48 (Details of slab levels)

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

10 - G33 (Details of walls/fences (outline permission))

Reason: In the interests of residential and visual amenity.

11 - H27 (Parking for site operatives)

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

12 -The development hereby permitted shall not be commenced until an area has been identified and approved in writing by the Local Planning Authority to be used as a storage compound for building materials to be used on the site. Upon the completion of the development the area shall be returned to a condition to the written satisfaction of the Local Planning Authority.

Reason: To minimise the likelihood of indiscriminate parking during construction and to ensure that Fox Lane remains unobstructed.

NE05/1020/C

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCNE2005/1352/F - CONVERSION OF BARNs TO ONE DWELLING IN SUPPORT OF AGRICULTURAL HOLDING AT UPPER HOUSE BARNs, PUTLEY, HEREFORDSHIRE. HR8 2QR

For: Messrs D J Pardoe per Mr N J Teale, Brambles Farm, Naunton, Upton-upon-Severn, Worcestershire WR8 0PZ

Date Received:
27th April 2005

Ward:
Frome

Grid Ref:
64053, 37215

Expiry Date:
22nd June 2005

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 This application seeks to convert an agricultural building to a dwelling to be occupied in connection with an existing agricultural holding at Upper House, Putley.
- 1.2 The buildings form part of a larger group. They are near Upper House, of a relatively modern construction, probably dating from the mid 20th century, and have a utilitarian appearance. Internally they are constructed from sawn timbers and do not have any particular architectural features. The single storey part sits hard against the roadside with an internal yard created by buildings which surround. The two-storey element abuts the road with a gable end and forms the southern boundary of the site.
- 1.3 The proposal shows a weatherboarded finish under a slate roof. The inward facing elevation of the single storey part is to be fully glazed and four openings onto the road. It demonstrates 4-bed accommodation with a floor area of approximately 185m².

2. Policies

Hereford and Worcester County Structure Plan

H20 – Housing in rural areas outside the Green Belt (points b & d)
CTC13 – Conversion of buildings
CTC14 – Conversion of buildings

Malvern Hills District Local Plan

Housing Policy 4 – Development in the countryside
Housing Policy 5 – Dwellings for agricultural and forestry workers
Conservation Policy 12 – Residential conversion of agricultural and other rural buildings

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H7 – Housing in the countryside outside settlements
H8 – Agricultural and forestry dwellings and dwellings associated with rural buildings
HBA12 – Re-use of rural buildings
HBA13 – Re-use of rural buildings for residential purposes

Other Policy

PPS 7 – Sustainable development in rural areas

3. Planning History

NE01/3221/F - Change of use from timber barn to private dwelling - Withdrawn.

NE02/0618/F - Change of use of timber barn to form private dwelling - Refused 15 April 2002.

NE05/0119/F - Conversion of barns to one dwelling in support of agricultural holding - Refused under the scheme of delegation 16 February 2005.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objection.

5. Representations

5.1 Putley Parish Council - Recommend approval of the application.

5.2 CPRE - Object to the proposal. In our view the barns are not worthy of conversion and cannot see a clear cut business case for a second residence.

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

6. Officers Appraisal

6.1 The application seeks planning permission for the conversion of barns to a single dwelling in support of the existing agricultural holding at Upper House Barns, Putley.

The barns in question have been subject to previous applications for conversion to private residential use. The first such application was withdrawn largely as a result of the response of the Historic Buildings Officer, who concluded that the barns did not merit conversion to residential re-use.

The second application was refused for the same reason, although a note was attached to the decision notice stated that the Local Planning Authority would be prepared to consider a suitable business re-use subject to the amenities of neighbouring dwellings not being adversely affected.

- 6.2 A further application was submitted earlier this year stating a case of agricultural need but this too was refused as your officers were not satisfied that the functional and financial requirements of PPS 7 were satisfied.
- 6.3 It is proposed that Mr J Pardoe, as a partner in the existing agricultural holding would occupy the barns should permission be forthcoming. It is understood that Mr Pardoe's brother occupies the existing dwelling on site and that Mr J Pardoe currently lives some 12 miles away in Hereford.
- 6.4 The agricultural appraisal submitted in connection with the application states that the proposal is in full accordance with both the financial and functional tests as set out under Annex A of PPS7. It is put forward that the conversion is a sustainable re-use of a redundant agricultural building, that would enable the provision of accommodation on the holding without recourse to the erection of a new build. It therefore concludes that there is a need for a dwelling to serve the enterprise. It advises that it generates 1260 man hours per annum, enough to occupy four full time workers and that on site supervision is necessary to successfully increase output.
- 6.5 The application raises two principal issues. Whether the agricultural appraisal provides sufficient evidence to warrant the creation of a dwelling to serve the organic fruit farming enterprise and; if it does, whether this outweighs the previous reason for refusal that the building is not worthy of residential conversion.
- 6.6 The main thrust of the appraisal appears to be that the enterprise generates sufficient man-hours to warrant the creation of a dwelling. However, it gives no detail as to why an individual is required to be permanently resident on the land, nor does it explain why any such needs are not adequately met by an existing dwelling on the holding which is already occupied by one of the partners in the business. It must therefore be concluded that there is insufficient justification for the establishment of a second dwelling on the holding.
- 6.7 On this basis there is no justification to override the previous reason for refusal that the building is of insufficient historic and architectural quality to warrant conversion to residential use. Accordingly the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 - The proposal constitutes the creation of a new dwelling in the open countryside and is therefore contrary to Housing Policy 4 of the Malvern Hills District Local Plan and Policy H20 of the Hereford and Worcester County Structure Plan. The applicant has failed to demonstrate to the satisfaction of the local planning authority that exceptional circumstances exist to override these policies.**

- 2 - The proposal is contrary to Policy H20 of the Hereford and Worcester County Structure Plan and Housing Policy 4 and Conservation Policy 12 of the Malvern Hills District Local Plan in that the buildings are not considered to be of significant historic and architectural quality to warrant retention and conversion to residential use.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCNW2005/1014/F - DEMOLITION OF EXISTING SKITTLE ALLEY & CONSTRUCTION OF OVER-NIGHT ACCOMODATION BUILDING COMPRISING SEVEN BEDROOMS, LAUNDRY ROOM & BIN AREA. THE CORNERS INN, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9RT

For: Four Corners Leisure Ltd per Mr P Titley New Cottage Upper Common Eyton Leominster HR6 OAQ

Date Received:
29th March 2005

Ward:
Bircher

Grid Ref:
44459, 61544

Expiry Date:
24th May 2005

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The application site an established Grade II Listed public house, accommodation and former skittle alley sited in the centre of the village of Kingsland. The particular site that is the subject of this application relates to the part of the site currently occupied by the timber clad former (disused) skittle alley that lies to the north of the site along the boundary with the dwelling known as 'Farthings'. The site slopes gradually upwards from the highway towards the skittle alley.
- 1.2 Conservation Area Consent has already been granted for the removal of the existing skittle alley which measures 18.8m x 4.2 m with a maximum eaves height of 2.7m and maximum ridge height of 4.5m.
- 1.3 Planning permission is for the erection of a timber clad, partially 2-storey building that would comprise accommodation consisting of a laundry room and four bedrooms (with en-suite) to the ground floor and three bedrooms (with en-suite) to first floor level. An open bin storage area would also be provided at ground floor level. The building would be used for overnight accommodation in connection with the public house. The pub already offers this B & B type of accommodation within the existing buildings.
- 1.4 The footprint of the building would have a footprint of 20m x 5.7m. The single storey element of the building would lie to the east, and would have a maximum ridge height of 5m (eaves 2.6), although this drops slightly to 4.1m to accommodate the open sided bin storage area at the end of the building. The two-storey element of this building lies to the west and has an eaves level of 2.7m rising to 3.7m to laundry frontage. The ridge height would be 7m in height for a length of 12.5m. The first floor has two roof lights to the front elevation and a cat slide roof arrangement to the rear incorporating three small roof lights. Access to the first floor is gained via an internal staircase and an external staircase to the end elevation.
- 1.5 Access to the site would be via the existing access used to serve the public house car park.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District’s Assets and Resources
Policy A2 – Settlement Hierarchy
Policy A18 – Listed Buildings and their Settings
Policy A21 – Development within Conservation Areas
Policy A16 – Foul Drainage
Policy A24 – Scale and Character of Development
Policy A34 – Village based Neighbourhood Shops and other Small Scale Commercially based Local Service.
Policy A38 – Rural Tourism and Recreational Activities
Policy A66 – Access for the Disabled
Policy A70 – Accommodating Traffic from Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy S4 – Employment
Policy S7 – Natural and Historic Heritage
HBA6 – New Development within Conservation Areas
Policy DR1 – Design
Policy DR2 – Lane use and Activity
Policy DR13 – Noise
Policy E11 – Employment in Small Settlements and Open Countryside
Policy LA2 – Landscape Character
RST1 – Criteria for Recreation, Sport and Tourism Development

3. Planning History

- 3.1 NW2004/0054/C - Demolition of redundant skittle alley - approved - 02-MAR-2004
- 3.2 NW2003/3547/F - Demolition of existing skittle alley and construction of overnight accommodation building comprising nine bedrooms and laundry room - refused - 29-JUN-2004 for the following reason:

The proposal is in direct conflict with Policy A54 of the Leominster District Local Plan and Policy CTC9 of the Hereford and Worcester County Structure Plan, in that it will have a detrimental impact on the adjoining residential property by reason of the overbearing effect, loss of daylight and overlooking that will occur by the development of this new building.

- 3.3 NW1999/2843/L and NW1999/2842/F - Demolition and reconstruction of former wine bar/beer cellar to form bed and breakfast accommodation, beer cellar and storage - approved - 08-DEC-1999

4. Consultation Summary

4.1 Statutory Consultations

Welsh Water raises no objection and recommends conditions relating to foul and surface water drainage.

4.2 Internal Council Advice

Traffic Manager raises no objection subject to other being no loss of spaces as a result of this development.

4.2 The Conservation Manager makes the following comments:

Conservation:

No objection subject to conditions relating to joinery and roof light details and materials, but comments that the only criticism is the different roof pitches to the south elevation.

Also comment that the removal of the skittle alley would improved the setting of the listed building and character and appearance of the Conservation Area.

Archaeology:

The application site lies in a potentially significant location within the layout of the medieval settlement of Kingsland. The site is likely to have been subject to some comparatively recent disturbance but the minor standard condition (D03 - site observation) is recommended.

4.3 The Environmental Health Manager raises no objection but recommends conditions relating to linking use of proposed accommodation with the public house, operating times in relation to deliveries (F16), Incineration (F41) and noise control in relation to machinery during construction.

5. Representations

5.1 Kingsland Parish Council resolved to recommend approval.

5.2 The application submission was received with a covering letter from the Agent which states that two bedrooms have been deleted from the first floor accommodation to reduce the impact on the neighbouring property.

5.3 Letters of representation have been received from: Mrs J Pricey - Rose Cottage, Lugg Green Road, Kingsland (x2) whose comments can be summarised as follows:

a) Intensified use of highway causing highway safety concerns as pub car park already limited and existing problems with on street parking.

b) Increased noise and disturbance from additional users, in particular to car doors banging.

5.4 Mr and Mrs Alan Paton - Farthings, Lugg Lane, Kingsland are immediate neighbours and their concerns are as follows:

"We have received notification of the above planning application made by The Corners and would like to register our objection to this proposed development of the skittle alley.

In doing so I would draw your attention to a letter of objection we made concerning a previous planning application made for the same premises (Ref: DCNW2003/3547/F). To assist you I have attached a copy of our earlier letter.

We strongly believe that the concerns raised in our previous letter continue to be valid despite the replacement in the proposed plans of double storey with single storey accommodation (at one end of the building). On examining the plans we have ascertained that the proposed height of the single storey would be higher than the current height of the skittle alley. This additional height, coupled with the proximity of

the building to our house would continue to restrict natural light to the rear of our premises. Such a building would also affect our privacy and security. In particular we would draw your attention to the proposed stair access for the first floor bedroom at the end of the block. The landing outside this room would afford anyone standing there a vantagepoint to look into our bedrooms and our study/children's playroom.

Though, as stated in our previous letter, we have sympathy with the licensee of The Corners, however we believe that the issue of parking and problems with local traffic cannot be ignored. By effectively blocking off one exit/entrance with this proposed development it would increase the real and genuine risk of a road accident being caused in North Road.

Additionally our thoughts are that such an overbearing and unusually designed development would not be in keeping or sympathetic to the village surroundings, and continue to believe that there is no justification for such a building."

Their letter relating to the previous application can be summarised as follows:

- a) Appearance - the large building would dwarf the existing public house and give a cramped appearance to the detriment of the historic area.
- b) Accommodation - question need for such a development. Becoming a motel rather than public house.
- c) Parking - inadequate parking facilities at present. Highways safety issues with cars reserving onto road. Conflict with heavy agricultural traffic.
- d) Traffic - speed of traffic and the congestion problems with on street parking so close to the junction.
- e) Privacy, natural light and security - close proximity of building to the boundary prevent natural light and be overbearing. Windows in rear would invade privacy. Staircase to front gable would overlook bedrooms.
- f) The building is unjustified and would ruin the enjoyment of our home.

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

6. Officers Appraisal

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

- a) The principle of the use of the site for overnight accommodation;
- b) The impact of the proposed building on the character and appearance of the Conservation Area and setting of the listed building;
- c) The impact of the use on the amenities if the occupiers of the adjoining properties.
- d) Highway safety and parking

6.2 The application site lies within the settlement boundary of the village of Kingsland and it is clearly related to The Corners Inn pub. Policies A2(C) and A35 of the Leominster District Local Plan support, in principle small-scale business uses within the settlement boundaries subject to meeting other policy criteria. As such there is no objection in principle to the development of this particular site for commercial purposes but a condition controlling the use is recommended.

- 6.3 The application site, lies within the Kingsland Conservation Area, and is clearly visible from both of the adjacent highways and public viewpoints. The existing building is not of any historic merit and Conservation Area Consent has already been granted for its removal. The design and appearance of the replacement building uses timber boarding and tiles to reflect the materials already used on the pub extension. The size, scale and location of the building in relation to the adjacent Listed Building and surrounding Conservation Area is considered subservient and complimentary. The impact on the street scene is minimal, and overall the proposal preserves the character and appearance of the Conservation Area and setting of the Listed Building in accordance with Local Plan Policies A18 and A21 and National Guidance contained within Planning Policy Guidance 15.
- 6.4 Residents of the adjacent dwelling have raised a number of issues relating to the impact on their residential amenities. In particular, these relate to the building being overbearing, leading to a loss of light and noise and causing detriment to the living conditions currently enjoyed. These concerns are noted and the previous application was refused due this impact. This revised scheme has addressed the overbearing impact of this building on the dwelling through the removal of two of the bedrooms, therefore reducing the height of the ridgeline adjoining the garden area of the dwelling, whilst retaining the two-storey element adjacent to the gable of the dwelling. There are no windows in the gable of the dwelling, and only a narrow pathway running along the side of the house. It is considered that although this new building would have some impact on the occupiers, it would not be so detrimental as to warrant a reason for refusal. On balance, it is considered on balance that this reduction in height of this section has overcome the concerns that led to the previous decision.
- 6.5 The neighbours also raise concern relating to overlooking from the external staircase to the front gable. However, it is considered that the forward projection of the building in front of the dwelling, and the angles involved would actually protect this. It is however considered appropriate to ensure that this is the case, notwithstanding the submitted plans, details of a screen to the top of the stairs is recommended by condition.
- 6.6 On the basis of the information provided access to the site and parking provision within the site would not alter. Whilst local residents have raised concerns relating to on street parking and congestion around the cross roads, there is only minimal scope to increase the amount of car parking within the site. Developments of this nature are not unusual within a village, and many pubs do not benefit from off road parking. Whilst this development may increase the number of visitors, if successful, parking provision is considered adequate. It is also understood that there is an informal arrangement where patrons of the pub can park at the Doctors surgery during then evening. The Traffic Manager raises no objection to this development and it is considered that a reason for refusal on highway safety ground could not be sustained.
- 6.7 To conclude, the proposal is considered to comply with policies that seek to encourage rural businesses within village settlements. The building by virtue of its scale and design is considered to be acceptable and would preserve the character of the Conservation on Area and setting of the Listed Building. The design would also overcome the previous reason for refusal by removing the section of the building, which caused detriment to the amenities of the neighbouring property. As such the proposal now meets the criteria of the Local Plan Policies and is therefore recommended for approval with the relevant conditions.

RECOMMENDATION

That planning permission be granted with the following conditions

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

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

2 - B01 (Samples of external materials)

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

3 - C05 (Details of external joinery finishes)

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

4 - C10 (Details of rooflights)

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

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

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

Reasons: 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.

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

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

8 - D03 (Site observation - archaeology)

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

9 - Prior to the commencement of development a plan showing the existing and proposed car parking spaces shall be submitted and approved in writing by the Local Planning Authority. These spaces shall be demarcated prior to the first use of the building and kept free of obstruction and available for use at all times.

Reasons: In the interest of highway safety and for the purposes of clarification.

10 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

12 - E15 (Restriction on separate sale)

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

13 - Notwithstanding the approved plans, details of a screen, to be erected at the top of the external staircase, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved detail.

Reason: To protect the privacy of the neighbouring properties.

14 - The building hereby proposed shall be used for overnight accomodation in connection with the associated public house only and no other purpose.

Reason: To clarify the terms of this permission.

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCNW2005/1046/F - CONSTRUCTION OF TWO DWELLINGS TO REPLACE EXISTING BUNGALOWS. EDDE CROFT AND BARLEYCROFT, AT AULDEN, IVINGTON, LEOMINSTER, HEREFORDSHIRE, HR6 0JU

For: N C & O J Powell per Mr P L Everall, Little Treberon, Pencoyd, Herefordshire, HR2 8ND

Date Received:
31st March 2005

Ward:
Golden Cross with
Weobley

Grid Ref:
46159, 54504

Expiry Date:
26th May 2005

Local Member: Councillor J Goodwin

1. Site Description and Proposal

- 1.1 The application site lies to the west side of the unclassified road that runs from the A4110 through Birley towards Aulden and Ivington. The site is relatively isolated with no neighbouring properties and consists to two 'woolaway' bungalows built in the early 1960's and which now have associated driveways, garages and outbuildings. The site has mature trees and hedgerows surrounding and is visible from the highway.
- 1.2 The proposal is for the demolition of the existing bungalows and their replacement with two, two storey dwellings occupying a similar, and only very marginally larger footprints than the existing bungalows. The footprint of the existing dwellings measures 11.5m x 6.5m with an eaves height of 2.7m and ridge height of 4.9m. The footprint of the proposed dwelling would be 11.5m x 7.7m (at widest point). The second floor of these proposed dwellings are within the roof space of the dwellings, using dormer style windows, a gable projection to the front elevation and velux windows. The eaves height of the dwelling would be 3.5m and ridge height of 7m. The existing accesses would be closed, a new shared access is proposed.

2. Policies

2.1 Leominster District Local Plan

Policy A2(D)(iii) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A24 – Scale and Character of Development

2.2 Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1 – Design
H13 – Sustainable Residential Design
Policy H7 – Housing in the Countryside Outside Settlements

3. Planning History

10119 - Erection of two bungalows - Approved 12-9-1961

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - no objections but offers advice relating to ensuring existing system satisfactory.

Internal Council Advice

- 4.2 Traffic Manager raises no objection to the application.

5. Representations

- 5.1 Leominster Town Council recommends approval.

- 5.2 Birley with Upper Hill Parish Council makes the following points:

“The Parish Council in principle has no objections to these properties being replaced as they are nearing the end of their expected life.

However, it is felt that these replacement dwellings should be more commensurate with those they are to replace, as they are in quite an open position and can be seen for miles around.

It appears that the floor area has doubled in size whereas we are led to believe guidelines suggested a 60% increase is more acceptable.

It is also felt that the ridge line of the new dwellings should be brought down to reflect a bungalow appearance which is what they are replacing.”

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

6. Officers Appraisal

- 6.1 The main issues in the consideration of the development are:

- a) the principle of the development
- b) the size and scale of the development
- c) impact on the landscape
- d) highway safety
- e) drainage

- 6.2 Policy A2(D)(iii) of the Leominster District Local Plan and Policy A7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) make allowance for the erection of new dwellings in the open countryside if they are a replacement of an existing dwelling, which retains its residential use rights, and if the replacement dwelling is comparable size. As such the principle of replacing these dwelling is accepted subject to the size and design.

- 6.3 The design and scale of the dwelling is of particular importance in assessing the acceptability of the replacement in accordance with the policies of the Leominster District Local Plan. The footprint of the proposed dwelling is only marginally larger, due to the gable to the front of the building and this is deemed acceptable in relation to this policy. In terms of height and scale, it is clearly evident that this two storey dwelling will have a different scale than the existing property. However, the use of the roof space for the first floor accommodation has minimised the scale and overall impact of the dwellings and within the context of the site would not appear out of scale or character with the surroundings. As such it is considered that in this instance the increase in height would be acceptable. Conditioning the removal of Permitted Development Rights to ensure no further increases without planning permission is also recommended.
- 6.4 The impact of the proposed buildings on the landscape quality of the area, having regards to the increase in height and bulk should also be considered. The dwellings will clearly be seen in the context of mature trees, hedgerows and existing buildings. Whilst these dwellings would have some impact the overall effect would not be significantly detrimental to the surrounding landscape and character. A reason for refusal on grounds of landscape impact is not considered appropriate and as such the development is thought to accord with Policy A9 of the Leominster District Local Plan. A condition requiring the protection of existing landscape and provision of additional landscaping to ensure that the development is softened through the use of trees and hedgerows is recommended.
- 6.5 There are no highway objections to the use of a shared drive as shown on the submitted plans. Drainage arrangements are for the use of the existing septic tank. Building Control would ensure that the capacity is sufficient and there are no objections from the Environment Agency to continuing this existing arrangement.
- 6.6 On balance therefore it is considered that the proposal, while more visually imposing than the original, is ultimately acceptable subject to appropriate conditioning.

RECOMMENDATION

That, subject to the comments of the Water Authority, planning permission be Granted subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

- 6 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

- 7 - E16 (Removal of permitted development rights)

Reason: To safeguard the character and amenities of the locality.

Notes to the Applicant:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11A DCNW2005/1056/F - CONVERSION OF REDUNDANT FARM BUILDING TO FORM SIX HOUSES. MARLBROOK HALL, AT LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HR

11B

DCNW2005/1057/L – THE SAME

For: S R Morgan & Sons, Burton & Co, Lydiatt Place, Brimfield, Ludlow, Shropshire, SY8 4NP

Date Received:
31st March 2005

Ward:
Mortimer

Grid Ref:
43565, 70946

Expiry Date:
26th May 2005

Local Member: Councillor O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a group of traditional agricultural buildings that lie within the curtilage of the Grade II listed farmhouse. A number of modern buildings are also located within this complex. The buildings lie to the east of a relatively quiet lane that runs from Leinthall Stakes to the north towards Burrington. The farm complex is a working farmyard with the buildings being used for storage and livestock.
- 1.2 Planning permission is sought for the conversion of the barns to 6 units of residential accommodation. House 1 is an independent detached unit that lies to the south, furthest from the highway. This unit would provide 2 bed accommodation. Houses 2, 3 and 4 are contained within a linear two storey barn that faces the courtyard and would be divided. Each unit would provide a three bed dwelling. Houses 5 and 6 are also created through the subdivision of the single barn that is closest to the highway and existing driveway and would comprise one four bed and a one bed dwelling.
- 1.3 Access to the site would be via the existing farm yard driveway as well as through the access that lies further to the south. Parking and amenity space for each dwelling is provided within the proposed curtilages. The open yard would be retained for parking in association with the farmhouse.
- 1.4 The existing modern farm buildings that lie immediately adjacent to barns would be demolished and removed from the site.
- 1.5 The application is accompanied by a statement of market testing by John Amos & co, an ecological survey relating to bats, and barn owls and a statement in support of the application by the applicants agent, including a landscape appraisal and structural survey.

- 1.6 The large centre barn is listed in its own right and the remaining barns are curtilage listed and as such a listed building consent application has also been submitted. A further application for the erection of new agricultural buildings to the north of, and on the other side of the farmhouse to these traditional buildings has been submitted separately (DCNW2005/1067/F).

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A – Development Criteria
Policy H20 – Residential Development in Open Countryside
Policy CTC3 – Sites of National and International Importance
Policy CTC9 – Development Criteria
Policy CTC11 – Conservation and Expansion of Tree and Woodland Cover
Policy CTC13 – Buildings of Special Architectural or Historic Interest
Policy CTC14 – Criteria for the Conversion of Buildings in Rural Areas

2.2 Leominster District Local Plan (Herefordshire)

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

NW2002/3371/F (adjacent site) - Erection of 1 Grandparent poultry breeding house together with feed silos and ancillary works - approved 10th Jan 2003. (erected)

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Traffic Manager raises no objection but notes that visibility splays are below standard but given low speed on the road it would be unreasonable to refuse. Intensification of traffic on narrow roads needs to be considered, although again probably not a reason for refusal.

Further to this and after discussion with the applicant and highways it has been suggested that the provision of passing places either through a S106 agreement or through condition would be appropriate to prevent a conflict of traffic and improve current situation.

4.3 The Conservation Manager responded as follows:

Design/Listed Building: raises no objection subject to removal of a number of rooflights and external appearance of timber framed barn (units 2, 3 and 4) where timber framing is being covered by weather boarding. Conversion of barns will enhance the setting of the Listed Building by removing the modern unsightly lean-to and will enhance the character and appearance of the listed threshing barn and Cow house.

Ecology: The ecological survey work undertaken is acknowledged and a condition should be included to ensure that works are carried out in accordance with the details/mitigation contained within the survey. Bat activity noted and also that there is no Barn Owl activity. Enhancement measures are proposed. Defra licences will be required.

4.4 The Public Rights of Way Officer: The proposal would appear to affect public footpaths ET2 and ET4 as they run across the development site and ask that points relating to keeping the footpaths clear and the legal obligations to do so.

4.5 The Environmental Health Manager: awaiting further comments, will verbally update members.

5. Representations

5.1 Leinthall Starkes Parish Council raises some concern about the access lane, the applications were considered to be acceptable as being an excellent and beneficial use of the area currently redundant farm buildings and the appropriate re-siting of new farm buildings.

5.2 Letters have also been received from the Ramblers Association and Open Spaces Society which make comments on the obstruction of the public footpaths and obligation of developer to keep the site free from obstruction. In addition to this they raise concern that:

- a) The development is not within walking distance of a village or town
- b) Will cause additional car traffic with the associated environmental impact
- c) Increase in urbanisation of the countryside
- d) Does not provide affordable housing for local people

5.3 The applicant's agent has submitted a supporting statement (including landscape appraisal and structural report). He has also responded to the local objections received and highways as follows:

"Neighbour Objections

There are six letters of objection: from Mr & Mrs Midwood of Brinshope Farm, Wigmore who also own The Willows Farm near to Marlbrook Hall; from Mr Midwood's mother; from three tenants of Mr & Mrs Midwood; and one anonymous. Unsurprisingly, these letters all make the same points. It is claimed that the proposed conversions will damage both the barns and the setting of Marlbrook Hall, a view not shared by your Conservation Officer who confirms that the scheme will enhance both house and barns. The condition of the road is also a concern - this matter is discussed below.

Highways

Regarding the condition of the road, I should explain our recent negotiations. On 25th May we met on site Mr David Davies, Area Engineer (Development Control), to discuss improvements to the road. It was confirmed that the County Council will be constructing a lorry passing place along this road in July 2005. In addition our clients have agreed with Mr Davies to construct four more passing places at locations agreed with him. Two of these are former passing places that have grown over with disuse and will be refurbished and two others will be newly constructed. This work will be funded by the applicant. I enclose two copies of an O.S. plan showing the location of these passing places at O.S. grid references 435701, 435702, 434705 and 434708."

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

Nicholas Maxted Jones, 1 Willow Cottages, Burrington
 Mr & Mrs Brian Smith, 2 Willow Cottages, Burrington
 Mr Douglas, The Willows Farm, Burrington
 Mr & Mrs Midwood, The Willows Farm, Burrington
 Mrs Midwood, Virginia Cottage, Leintwardine
 R & V Taylor, Elton Farm, Elton
 1 anonymous letter, no address supplied

The concerns raised can be summarised as follows:

- a) Intensified use of highway causing highway safety concerns
- b) Conflict of use between farm traffic and vehicles
- c) Inadequacy of road network and quality of road, especially given narrowness of road and height of hedges

- d) Request for S106 for payment towards road upgrade and changes to accommodate traffic
- e) Danger to pedestrians, in particular children
- f) Impact on the landscape causing harm to the valley and area of outstanding beauty.
- g) Impact and damage to the setting of the listed building making reference to the SPG which says that conversion of Listed Buildings should be strongly resisted
- h) Impact on peaceful area

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

6. Officers Appraisal

6.1 The main 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 principal of residential conversion having regard to the structural integrity of the buildings;
- c) The impact of the proposed conversion on the character and appearance of the buildings and the wider impact on the surrounding countryside;
- d) Residential amenity;
- e) Highway safety, and;
- f) Ecological and landscape issues.

6.2 The application submission includes a comprehensive marketing report provided by John Amos and Co. It advises that the buildings have been marketed since January 2004 for a period exceeding 12 months being regularly advertised in the local press including the Hereford Times and Ludlow Journal. Very little interest was shown in the use of the buildings for a commercial purpose. In the light of this it is considered that the applicant has fulfilled the administrative requirements of Supplementary Planning Guidance on the residential conversion of the buildings.

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

“This report outlines the extent of the work required to restore structural stability. To summarize, the great majority of the buildings remain in quite good condition and can easily be repaired in-situ where necessary. There are two exceptions: firstly an area of brickwork on the southwest elevation of the Threshing Barn and Cow House has bulged and requires rebuilding, and secondly the roof structure of the Cart Shed has been removed and shall be rebuilt as discussed above.

These buildings, by virtue of their form, dimensions, construction and condition, are suitable for conversion to residential use. In particular, the overall height to tie-beam level is very good in the Threshing Barn and Cow House and the Threshing Barn allowing for excellent headroom at the upper level. Also, the layout of these buildings allows for the provision of private gardens and parking areas. Finally, the existing window and door openings greatly reduce the need for many new openings. The conversions may therefore be achieved with minimal structural alterations.”

- 6.4 The complex of the building, as described above, is in a good state repair and well kept. The proposed conversion, although requiring the insertion of windows in new openings, does represent a scheme which generally respects the character and appearance of each of the barns. This scheme embraces the simplicity and linear forms of the buildings, utilising existing openings and materials. The simple design and configuration of the proposed conversion scheme would not detract from the Grade II Listed farmhouse. As such its setting would certainly be preserved and potentially enhanced.
- 6.5 Disappointingly, the timber framed barn which faces the farmhouse is proposed to be clad in timber weatherboard and it is suggested that this would result in the loss the character of the barn and as such it is suggested that revised plans are submitted in order to address this point and a number of other minor concerns relating to roof lights, prior to the determination of this application. The recommendation reflects this request.
- 6.6 The proposed use of the site for residential purposes would not in its own right lead to undue concerns in respect of overlooking or privacy to neighbouring properties.
- 6.7 Access to the site is currently via both the farmhouse gate and via a 'farm entrance' to the south. Both of these would be formalised and retained for use by both the farmhouse and occupiers of the converted barns. There is strong local concern in relation to the current problems with the narrow road network, high hedges and the problems that the increase in traffic would have causing vehicles to reverse and manoeuvre on sometimes blind bends and corners. In response to this, it has been suggested that in addition to the passing place which is already planned by Herefordshire Council, the applicant provides four further passing bays between Leinthall Starkes and the application site. Two of these will involve renewing old bays that have overgrown. This would be carried out at the applicants expense and to a specification agreed by the Local Planning Authority in conjunction with the Transport Manager. It is felt that this would satisfactorily alleviate the concerns of the local road users and serve to considerably improve highway safety on this lane for pedestrians and vehicles.
- 6.8 In response to the identification of the likelihood of bats roosting on the site, mitigation and DEFRA licences will be required. This is outlined in the ecology report submitted. Conditions are recommended to ensure this is complied with and an informative note included to bring the ecology report recommendations to the attention of the applicant.
- 6.9 In terms of landscape impact, the plans show significant landscaping in addition to existing hedgerows and trees planted around the site. A neighbour has requested further planting across the lane, but this is considered to be particularly onerous given the distances of some 500m to the nearest property. The landscaping proposed will compliment the existing buildings and provide an attractive backdrop to the development. The mature hedgerows and trees already in existence around the site are also to be retained so screening is already in situ. Details of landscaping, hardsurfacing, and boundary treatments for each unit are also requested by condition to ensure that the overall impact is not overly urban in appearance from public vantage points.

6.10 To conclude, the information provided as part of the application submission satisfies the criteria and requirements of the relevant supplementary planning guidance and local plan policies. The conversion scheme, with the exception of the details requested by way of amended plan is sympathetic to the character and appearance of the existing building and would preserve the setting of the adjacent Listed Building. Highways matters have been carefully considered and the introduction of passing bays prior to the commencement of development has overcome these concerns. As such it is considered that the proposals accord with policies and are recommended for approval subject to the receipt of amended plans.

RECOMMENDATION

DCNW2005/1056/F

That planning permission be granted subject to the receipt of suitably amended plans

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

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

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

4 - B05 (Alterations made good)

Reason: To maintain the appearance of the building.

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

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

6 - C05 (Details of external joinery finishes)

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

7 - C10 (Details of rooflights)

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

8 - C11 (Specification of guttering and downpipes)

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

9 - C13 (Repairs in situ)

Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.

10 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

11 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

12 - G01 (Details of boundary treatments)

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

13 - G04 (Landscaping scheme (general))

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

14 - Prior to the commencement of development four passing bays shall be provided, to a specification and location to be submitted to and agreed in writing by the Local Planning Authority. These bays shall be constructed in accordance with the approved specifications and plans.

Reason: In the interests of highway safety.

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

Reasons: To conserve and enhance protected species and its habitat.

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

Reasons: To conserve and enhance protected species and its habitat.

Informatives

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N11A – Wildlife and Countryside Act 1981 (as amended) – Birds
- 3 - N11B – Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C) Regs 1994 – Bats (conditions 15 and 16)

DCNW2005/1057/L

That listed building consent be granted subject to suitably amended plans

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

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

- 2 - B01 - Samples of external materials

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

- 3 - B05 - Alterations made good

Reason: To maintain the appearance of the building.

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

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

- 5 - C05 - Details of external joinery finishes

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

- 6 - C10 - Details of rooflights

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

- 7 - C11 - Specification of guttering and downpipes

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

- 8 - C13 - Repairs in situ

Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.

INFORMATIVES

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCNW2005/1067/F - PROPOSED AGRICULTURAL BUILDINGS AT MARLBROOK HALL, LEINTHALL STARKES, LUDLOW, HEREFORDSHIRE, SY8 2HR

**For: S R Morgan & Sons Burton & Co Lydiatt Place
Brimfield Ludlow Shropshire SY8 4NP**

Date Received:
31st March 2005

Ward:
Mortimer

Grid Ref:
43693, 70948

Expiry Date:
26th May 2005

Local Member: Councillor O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a green field site that lies to the east of the Grade II listed farmhouse and existing complex of farm buildings. The site is approximately 1.1ha in size and has a mature hedgerow forming its boundaries. Adjacent this field to the east lies a poultry breeding house that is sited within a small valley where the land rises gradually away (to the NE & SW) towards the application site. One modern agricultural building lies to the west of the site.
- 1.2 Marlbrook Farm is a traditional mixed farm of 220 acres with a further 80 acres of rented land. Due to a separation of a partnership involved in the running of the farm, additional buildings are required, including a grain store and livestock buildings. The existing buildings are considered by the applicant (and in the supporting documentation from John Amos and Co) to be impractical, inefficient, too small with poor access for modern agricultural purposes.
- 1.3 Planning permission is sought for the erection of 5 new agricultural buildings in addition to the existing 'poultry' house. The single building that lies to the west of the site would be replaced by 'Building 1' an implement store which would be relocated from existing farm yard and would measure 9.25m by 15.35m by 5.5 to eaves and 7.9m to ridge. The building would be constructed of block walling to 1.8m and box profile steel sheeting. Buildings 2 and 3 would be located to the south of the site and would be used for livestock. These buildings would lie side by side and would measure 36.5m by 15.2 by 5.5 to eaves and 7.9m to ridge. Building 4 would be used for hay and grain storage to the north of the site (closest to the highway) and would measure 27.5m by 33m by 6 m to eaves and 10.1m to ridge. Building 5 would be relocated from the existing yard and would measure 22.9m by 9.2m by 5m to ridge and 6m to ridge and would be constructed from treated timber Yorkshire boarding and slate blue roof sheeting.
- 1.4 The application is also accompanied by a further application for the conversion of the existing traditional farm buildings into six dwellings on the other side of the farmhouse to these traditional buildings. (DCNW2005/1056/F and DCNW2005/1057/L)
- 1.5 Access to the site would be via the existing hard surfaced farm yard driveway.

2. Policies

2.1 Government Guidance

PPG15 – Planning and the Historic Environment

2.2 Herefordshire & Worcester Council Structure Plan

Policy H16A – Development Criteria

Policy CTC9 – Development Criteria

Policy CTC13 – Buildings of Special Architectural or Historic Interest

2.3 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2 – Settlement Hierarchy

Policy A7 – Replacement of Habitats

Policy A8 – Improvements to or Creation of Habitats

Policy A9 – Safeguarding the Rural Landscape

Policy A18 – Listed Buildings and their Settings

Policy A16 – Foul Drainage

Policy A41 – Protection of Agricultural Land

3. Planning History

NW2002/3371/F (adjacent site) - Erection of 1 Grandparent poultry breeding house together with feed silos and ancillary works - approved 10th January 2003. (erected)

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager raises no objection.

4.3 Conservation Manager responded as follows:

Design/Listed Building: no objection to siting of proposed agricultural buildings. They will not detract from the character of the Listed Building.

4.4 Public Rights of Way Officer: Public footpath ET3 crosses the entrance to the proposed building site and ask that points relating to keeping the footpaths clear and the legal obligations to do so are conveyed to the applicant.

5. Representations

5.1 Leinthall Starkes Parish Council raises some concern about the access lane, the applications were considered to be acceptable as being an excellent and beneficial use of the currently redundant farm buildings and the appropriate re-siting of new farm buildings.

5.2 The application submission also has a supporting statement which can be summarised as follows:

- It is a fact that most of the existing buildings have come to the end of their useful life
- The existing buildings are generally dilapidated, small scale, awkwardly sited in relation to one another and have poor access
- John Amos report concludes: *"in order for Marlbrook Hall Farm to remain a viable enterprise it is recommended that significant restructuring and rebuilding takes place. The demands placed on facilities by current agricultural practices are not met by the existing buildings on the farm. Significant restructuring of the layout of buildings and new more modern agricultural buildings are needed in order to sufficiently and appropriately house the stock on the farm. Mr Morgan is proposing to expand his Ewe flock from 200 to 800 animals, which has been delayed due to the loss of his brother's facilities at Westfield Farm. Also farm machinery and equipment, together with a larger and more modern Grain Storage building is required in order to cope with the proposed expansion of the Arable business and in order to pass the inspection by the A.C.C.S. in the future. This proposed restructuring of the farm enterprise is vital in order that the holding remains an economically viable business. Although many of the existing farm buildings are of a good and serviceable condition, it must be underlined that they are outdated and very limited in their use with the ever increasing standards of livestock care and crop assurance of a current day agricultural enterprise. It is recommended therefore that it would be prudent to erect a new build site allowing adequate buildings to be erected with ample space for access.*

The dimensions and form of each building and the relationship with other buildings, yards and access is designed for operational efficiency, for flexibility of use and for potential future development. The viability of the farm is dependant upon this design.

Livestock Buildings no's 2 and 3: These two buildings will replace the five existing cattle buildings and will house a similar number of cattle and at different times of the year will house sheep. These buildings are essential to the future of the farm."

- The proposed site is adjacent to an existing and modern farm complex, i.e. the poultry house granted planning permission (NW2002/3371/F) as recently as 10th January 2003. This location thus achieves efficiencies in labour requirements, vehicle movements and waste management. The proposed siting also complies with Council policy.

The new farm buildings would have less impact upon the landscape if sited as proposed rather than on the existing site. The reason for this is that the proposed site lies at a significantly lower elevation than the existing site.

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

Nicholas Maxted Jones, 1 Willow Cottages, Burrington.
 Mr and Mrs Brian Smith, 2 Willow Cottages, Burrington.
 Mr Douglas of The Willows Farm, Burrington.
 Mr & Mrs Midwood, The Willows Farm, Burrington.
 R & V Taylor, Elton Farm, Elton.
 1 anonymous letter

The concerns raised can be summarised as follows:

- a) Intensified use of highway causing highway safety concerns
- b) Conflict of use between farm traffic and vehicles.
- c) Inadequacy of road network and quality of road, especially given narrowness of road and height of hedges
- d) Request for S106 for payment towards road upgrade and changes to accommodate traffic
- e) Danger to pedestrians, in particular children
- f) Impact on the landscape causing harm to the valley and area of outstanding beauty
- g) Impact and damage to the setting of the listed building making reference to the SPG which says that conversion of Listed buildings should be strongly resisted
- h) Impact on peaceful area and views from dwellings across valley.
- i) Problems due to 'egg factory' / poultry unit - lack of landscaping
- j) Request for additional landscaping

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

6. Officers Appraisal

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

- a) The principle of erection of agricultural buildings in open countryside;
- b) The impact of the proposed buildings on the character and appearance of the landscape and the wider impact on the surrounding countryside;
- c) Residential amenity;
- d) Setting of the listed building
- e) Highway safety, and;

6.2 Policy A2 (d) of the Leominster District Local Plan makes allowance for the erection of buildings that are necessary for the efficient running of agricultural enterprises. Policy A41 also allows for development on agricultural land, although low grade land should be used in the first instance. Other factors that should be taken into account include, the location of the development in relation to farms; farm size and structure, buildings and other fixed equipment and other effects of development on agriculture.

6.3 The application site lies between the farmhouse and the poultry unit and has a clear relationship with both buildings. The field selected has field boundaries of native hedgerows and is restricted in size by this. It does not involve the subdivision of the field. As such in principle the development of this land for agricultural purposes can be supported.

6.4 The buildings are required to be moved in order to facilitate the conversion of the traditional barns that lie to the west of the farmhouse. These existing buildings are considered to be substandard as outlined in the report from John Amos and Co. The creation of a new, purpose built farmyard will overcome these concerns and make the agricultural enterprise viable.

- 6.5 The main concerns lie with the impact of this proposed development on the landscape quality of the area. It is not denied that these buildings will have an impact on the landscape and it is this particular issue, which requires careful consideration and assessment. The buildings themselves, to be useful and practical have to be of a certain height to accommodate modern machinery. This means that this cannot be hidden from view by landscape screening. However, when views of the development are taken into the context of the surrounding trees and hedgerows, the view of agricultural buildings is not considered to be one that would be particularly intrusive or unusual in the rural area. A landscape appraisal was undertaken by the applicants agent, and alternative sites also assessed but this site was considered to be the most viable, and least intrusive. Additional landscaping around the site to soften the appearance of the development has already been suggested in the application submission. However some further planting of native species, which will enhance the area around the site, is requested by way of condition. Neighbours request additional landscaping of the poultry unit that they consider an eyesore, and this can also be sought as part of this application. In conclusion, the buildings will have an impact on the landscape but the need for such buildings, the context of the site and the provision of additional landscaping are considered to outweigh the negative impact that the buildings may have.
- 6.6 Whilst there are no dwellings within the immediate vicinity, with the closest being some 500m away, concerns have been raised from the owners and occupiers of the dwellings to the spoilt views and disturbance of their peace and quiet. However the distances are considerable and with the careful use of landscaping this impact can be softened.
- 6.7 The proposed buildings will be relatively close to the Grade II listed building. However, there is a good landscape barrier and enough distance to protect the setting of this building and the setting of the listed building is preserved in accordance with the policies of the Leominster District Local Plan and Government guidance in PPG15.
- 6.8 Access to the site is currently via both the farmhouse gate and via a 'farm entrance' to the south. This hardsurfaced farm track also turns to the east from the farm entrance towards the site and is considered to be acceptable by the Traffic Manager. As detailed in the report relating to the barn conversions, there is strong local concern in relation to the current problems with the narrow road network, high hedges and the problems that the increase in traffic would have causing vehicles to reverse and manoeuvre on sometimes blind bends and corners. In response to this, it has been suggested that in addition to the passing place which is already planned by Herefordshire Council, the applicant provides four further passing bays between Leinthall Starkes and the application site. Two of these will involve renewing old bays that have overgrown. This would be carried out at the applicants expense and to a specification agreed by the Local Planning Authority in conjunction with the Transport Manager. It is felt that this will alleviate the concerns of the local road users and improve highway safety on this lane.
- 6.9 To conclude, the supplementary information provided with the application relating to need and justification satisfies the criteria and requirements of the relevant local plan policies. The main issue relates to landscape impact and it is considered that on balance, the creation of a new purpose built farm yard to help sustain the farm enterprise and the provision of suitable landscaping to enhance the development is acceptable. There are no highway objections that relate specifically to this application and the introduction of passing bays prior to the commencement of the conversion development has overcome these concerns. As such it is considered that the

proposals accord with policies and are recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be granted with the following conditions:

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - B01 (Samples of external materials)

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

4 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

5 - G01 (Details of boundary treatments)

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

6 - G04 (Landscaping scheme (general))

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

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

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

8 - G09 (Retention of trees/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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Background Papers

Internal departmental consultation replies.

13A DCNC2005/0545/F - DEMOLITION OF SIDE EXTENSION, CONVERSION OF STORAGE AREAS TO ADDITIONAL ACCOMMODATION AND REPLACEMENT GARAGE

13B & DCNC2005/1081/L – DEMOLITION OF COTTAGE EXTENSION, CHIMNEY AND GARAGE. REPAIRS AND RENEWALS TO ROOF, CHIMNEY, WINDOW FRAMES, BOARDING AND STONEMWORK. NEW PORCH AT SUNNY HILL, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DY

**For: G. P. Thomas & Son Ltd per David Taylor
Consultants The Wheelwright's Shop Pudleston
Leominster Herefordshire HR6 0RE**

Date Received:
21st February 2005

Ward:
Upton

Grid Ref:
48556, 63423

Expiry Date:
18th April 2005

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 Sunny Hill, a Grade II Listed building, is a timber-framed cottage under a thatched roof, is located on the west side of the B4361, in the Luston Conservation Area and within the settlement boundary of Luston as shown in the Leominster District Local Plan (Herefordshire). Townsend Park is to the west and Bank Cottage is to the north-east.
- 1.2 This application proposes the replacement of a timber-clad extension that is on the north side of the cottage to a 1 1/2 storey addition accommodating study, utility and cloakroom on the ground floor with bedroom and en-suite bathroom above. A lean-to extension providing shed is also proposed. The extension is to be clad in stained boarding under a slate roof. A replacement double garage is also proposed, to be constructed to the north-east of Sunny Hill.
- 1.3 A white painted brick extension which is on the south side of the cottage is to be demolished.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A2 - Settlement hierarchy
A18 - Listed Buildings and their settings
A21 - Development within Conservation Areas

A24 - Scale and character of development
A56: Alterations, extensions and improvements to dwellings

2.2 Hereford and Worcester County Structure Plan

CTC7 – Development and features of historic and architectural importance
CTC 9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA1 – Alterations and extensions to Listed Buildings
HBA2 – Demolition of Listed Buildings
HBA6 – New development within Conservation Areas

2.4 PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment

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 Conservation Manager: No in principle objection.

5. Representations

5.1 Luston Parish Council: 'We object, this in conjunction with the other applications for this site are a wholly inappropriate over-development. Consideration needs to be given to nearby properties who will be detrimentally affected by this development. We have made this decision with regard to Policies A21, A24 and A56 of the Leominster District Local Plan.'

5.2 Objections have been received from:

J B Phillips, 6 Townsend Park, Luston
D MacLeod, 11 Townsend Park, Luston
Drs C and M Reed-Jenkins, Bank Cottage, Luston

- a) The existing building is the only thatched cottage left in Luston and should not be developed in the manner proposed;
- b) Demolition of part of this building should only be allowed after serious consideration and not simply to permit insertion of an inappropriate property between it and 2 Townsend Park; and
- c) Concerned about the proposal to dispose of material from demolition on site.

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

6. Officers Appraisal

- 6.1 Policy A.18 deals specifically with proposals affecting Listed buildings and their settings. The policy sets out criteria against which proposals should be considered to ensure that the character of the building is preserved.
- 6.2 The replacement extension proposed to the north elevation is of the same size and height of the existing building. The replacement building has been designed to ensure that the character of the timber-framed building is not harmed. It is considered the proposal accords with Policy A.18. There is no objection to the replacement garage.
- 6.3 The extension on the south side of the cottage, which is to be demolished, is of little architectural/historic interest and there is no objection to its removal. The demolition of the extension will expose and allow the chimneystack to become a prominent feature of this Listed building.

RECOMMENDATION

DCNC2005/0545/F

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

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

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

Informative:

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

DCNC2005/1081/L

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

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

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

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCNC2005/0547/F - ERECTION OF 2 COTTAGES WITH GARAGES AND ENTRANCE DRIVES AT SUNNYHILL, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DY

**For: G P Thomas & Son Ltd per David Taylor
Consultants The Wheelwright's Shop Pudleston
Leominster Herefordshire HR6 0RE**

Date Received:
21st February 2005

Ward:
Upton

Grid Ref:
48532, 63457

Expiry Date:
18th April 2005

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 Sunny Hill, a Grade II Listed building, is an exposed timber-framed cottage under a thatched roof located on the west side of the B4361, in the Luston Conservation Area and within the settlement boundary of Luston as shown in the Leominster District Local Plan (Herefordshire). Townsend Park is to the west and Bank Cottage is to the north-east.
- 1.2 This application is for the construction of 2 dwellings, within an orchard area on the north side of Sunny Hill, with each dwelling accommodating sitting room, dining room, kitchen, utility and garage on the ground floor with 3 bedrooms above. Access to the dwellings will be off Townsend Park.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A1 – Managing the district's assets and resources
A2 – Settlement hierarchy
A10 – Trees and woodlands
A21 – Development within Conservation Areas
A24 – Scale and character of development
A54 – Protection of residential amenity
A55 – Design and layout of housing development

2.2 Hereford and Worcester County Structure Plan

CTC7 – Development and features of historic and architectural importance
CTC 9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

- 2.4 PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPG15 – Planning and the Historic Environment
- PPG16 – Archaeology and Planning

3. Planning History

- 3.1 None

4. Consultation Summary

Statutory Consultations

- 4.1 Hyder: No objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No in principle objection.

5. Representations

- 5.1 Luston Parish Council: 'We object. Sunny Hill is the only thatched property left in the village that retains its original character. This will be spoilt by overdevelopment of the orchard. There are a number of mature trees that will have to be cut down, for the development to take place, these do not appear to be noted on the plans. We have made this decision with regard to policies A21, A24, A9 of the Leominster District Local Plan.'

- 5.2 9 letters of objection have been received:

- a) The development will increase the housing on this site;
- b) The term cottage is misleading as these are full-scale urban houses;
- c) Increase in traffic onto the B4361;
- d) The houses will cause direct overlooking of our living rooms;
- e) We would lose privacy if the walnut tree is removed; and
- f) The hedgerow along the frontage to Townsend Park should be retained other than required to construct the entrances.

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

6. Officers Appraisal

- 6.1 Policy A2(C) of the Leominster District Local Plan (Herefordshire) recognises the acceptability of housing development within the established settlement boundary of Luston. The site lies wholly within the defined settlement boundary and is in an area that is characterised by existing residential development. In the light of this, it is not considered that there are any grounds for objection to the principle of housing development on this site.

- 6.2 The design of the two dwellings is fairly plain and relatively small in plan form, which is good for this site, and the linked garages give the properties an attractive variation form, which, in some ways, reflects the shape of Sunny Hill. As the land rises up towards the north, there is a likelihood the dwellings could dominate in height and scale the adjoining Listed building. A longitudinal drawing has been submitted showing how the proposed dwellings will be cut into the bank. The cut and fill allows the houses to sit comfortably with the Listed building, Sunny Hill.
- 6.3 Also, the cut and fill of the dwellings will also reduce the effect of the dwellings on the amenity of Bank Cottage, which is to the north-east. It is considered that there will be sufficient distance between the proposal and Bank Cottage to avoid overshadowing and overlooking that would give rise to unreasonable loss of residential amenity.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - B01 (Samples of external materials)

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

- 3 - E08 (Domestic use only of garage)

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

- 4 - F48 (Details of slab levels)

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

- 5 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

- 6 - H01 (Single access - not footway) (5m)

Reason: In the interests of highway safety.

- 7 - H05 (Access gates) (5m)

Reason: In the interests of highway safety.

- 8 - H12 (Parking and turning - single house) (each house) (2)

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

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

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

10 - F16 (Restriction on hours during construction) 8.00am – 5.30pm Monday – Friday)

Reason: To protect the amenity of local residents.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**15 DCNC2005/0983/F - CHANGE OF USE TO A3
BETWEEN HOURS OF 8.00 - 14.00 MONDAY –
SATURDAY AT 73 ETNAM STREET, LEOMINSTER,
HEREFORDSHIRE, HR6 8AE**

**For: Mr M Rohde per Mr J Phipps Bank Lodge,
Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received:
23rd March 2005**

**Ward:
Leominster South**

**Grid Ref:
49893, 58945**

**Expiry Date:
18th May 2005**

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 Site is located on the north side of Etnam Street and on the east side of the entrance to Etnam Street car park. The former Ginger's Wine Bar, now a dwelling, is to the east. The site is within the central shopping and commercial area of Leominster as shown on the Leominster Town Centre Inset Plan in the Leominster Local Plan (Herefordshire). Also, it is within the Leominster Conservation Area.
- 1.2 This is a retrospective application for the use of the ground floor as A3 Takeaway that will be opened to the public between 8am and 2pm Monday to Saturday.

2. Policies

2.1 Leominster District Local Plan (Herefordshire):

A1 – Managing the District's Assets and Resources
A2 – Settlement Hierarchy
A21 – Development within Conservation Areas
A32 – Development within Town Centre Shopping and Commercial Areas
A54 – Protection of Residential Amenity

2.2 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

PPS1 – Delivering Sustainable Development
PPS6 – Planning for Town Centres
PPG15 – Planning and the Historic Environment

3. Planning History

- 3.1 NC2002/0334/F - Change of use from shop to flat. Approved 14.03.02.

- 3.2 NC2004/1039/F - Change of use to takeaway (A3) use. Refused 14.01.05 for the following reason:

“The proposal would be contrary to Policy A.54 of the Leominster District Local Plan (Herefordshire) in that it would likely give rise to problems of noise disturbance, cooking smells and on street parking that would adversely affect the residential amenity of neighbouring dwellings.”

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory consultees

Internal Council Advice

- 4.2 Traffic Manager: No objection
- 4.3 Environmental Health: No objection but would suggest that a condition is imposed restricting the frying of foods to shallow frying.

5. Representations

- 5.1 Leominster Town Council: Recommends approval.
- 5.2 Letter of objection received from Mr P. Davies, 65 Etnam Street, Leominster:
(a) I have a number of reservations about these premises. Firstly the cafe was opened although planning permission has been denied; and
(b) More importantly I feel that the disturbance of noise, smell, litter, parking problems and the storage of commercial food waste currently blocking the pavement in a predominantly residential area are more serious
- 5.3 The full text of this letter can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This is a retrospective application for A3 Use submitted following complaints to and investigation by the Enforcement Officer. The premises were opened shortly following the refusal of NC2004/1039/F.
- 6.2 A3 Uses can potentially be a nuisance to the amenity of neighbours through noise, cooking smells and operating hours. While the site is within a commercial area it is predominantly residential in its character. Notwithstanding the previous refusal of planning permission, the Environmental Health Officer has raised no objection to this proposal provided the use is restricted to the hours applied and no deep-frying is allowed to take place on the premises. It is considered these conditions will protect the amenity of neighbours. These conditions have been imposed on other similar businesses elsewhere in Leominster.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E03 (Restriction on hours of opening)
The use hereby permitted shall not be open to customers between the hours of 2.00pm and 8.00am Monday to Saturday only.

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

- 2 - The sale of hot food shall be restricted to snack food only by shallow frying. There shall be no sales of deep fried food.

Reason: To prevent the unrestricted expansion of the business to other hot food meals and in the interests of residential amenity.

- 3 - F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**16 DCNC2005/0991/F - CHANGE OF USE OF DISUSED
DUTCH BARN INTO GARAGING ADJACENT TO
POPLANDS BARN, RISBURY, LEOMINSTER,
HEREFORDSHIRE, HR6 0NN**

**For: Mr E Clark per Mr J I Hall, New Bungalow,
Nunnington, Hereford, HR1 3NJ**

**Date Received:
29th March 2005**

**Ward:
Hampton Court**

**Grid Ref:
55065, 55481**

**Expiry Date:
24th May 2005**

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 The application site lies on the west side of Poplands Lane just north of Popland Farm, Risbury.
- 1.2 The proposal is for the conversion of an existing Dutch barn to provide garaging at ground floor with storage above. This requires the cladding of the barn with timber boarding but retention of existing corrugated iron sheet roof. The floor area of the existing building measures approximately 8.9 metres by 5.5 metres. The submitted plans also indicate a new access to be created immediately to the north of the building, with that existing to the south to be closed off. If this work were to take in place alongside any other permitted development work it would of itself be permitted development.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A9 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development
A56 – Alterations, Extensions and Improvements to Dwellings
A54 – Protection of Residential Amenity

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and Extensions

3. Planning History

NC2004/4063/F - Proposed change of use of Dutch barn to garaging with new access. Refused under delegated powers 13th January 2005. In contrary to policies A24 and A60 of the Leominster District Local Plan (Herefordshire).

NC2004/2395/F - Same application refused for the same reasons in October 2004

NC2002/0999/F - Siting of temporary mobile home during renovation of barn. Change of use of disused hay barn for storage purposes. During consideration of this application the conversion of the dutch barn element was removed from the proposal, planning permission being granted for the remainder of the development on the 30th May 2002.

NC2000/2534/F - Barn conversion and formation of garden at Poplands Farm, Risbury. This application did not include any reference to the Dutch barn.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic manager - Recommends conditions

4.3 Conservation Manager - No objection on ecology grounds but is concerned the garaging will introduce an urban element into the site with consequent loss of character.

5. Representations

5.1 Humber Parish Council has no further comment to make on this application.

In response to the previously refused application they advised, "the Parish Council regards this application has been in all respects identical with application DCNC2004/2395/F. The Council does not see any reason to change its views on this new application and so approves this application by a majority".

5.2 Letters of objection have been received from:

Mr. D Harcombe, The Field Stud Farm, Poplands Lane;
Mr & Mrs J Dixon, Moreton Cottage, Poplands Lane;
Mrs D Burgess, Rail Meadow, Risbury;
Mr G W Burgess, Rail Meadow, Risbury;
B. Chilton, Field Track, Poplands Lane;
Mrs S Harcombe, The Field Stud Farm, Poplands Lane;
S & C Lawley, Gilhorn Cottage, Poplands Lane.

Objections can be summarised as follows:

1. Just because similar buildings elsewhere have been converted in this manner doesn't mean this one should. The additional photographs and information has been submitted to confuse the issue and are of no relevance.
2. This has already been refused on landscape impact grounds.
3. Converted barn already over dominant feature in landscape don't want another one.
4. Photos submitted with the application of other buildings indicate how unsightly they are.
5. Loss of view and detrimental to visual amenity of the public using public footpath HU5.

6. The wishes of a number of people affected should be taken into account over the wishes of the applicant.
7. Contrary to quoted policies and policy A.9.
8. Access on a blind section of Poplands Lane.
9. If developed would be another substantial gap disappearing in the landscape least resilient to change.
10. Should be subject to appeal to The Planning Inspectorate.

5.3 In support of the application the applicant's agent advises:

We are resubmitting for planning in the light of additional information to support our application. We are of the opinion that nearby Popland Barn and the adjacent metal clad barn are both on high ground and dominate the landscape unlike the Dutch barn. The roof and apex would remain in corrugated iron sheeting with the sides clad in horizontal sawn softwood boarding treated with a preservative. The boarding to match the adjacent Popland Barn Conversion. Windows to be moved to the front elevation (east) to give a clear rural effect from the roadside. Additional trees to be planted alongside the timber fence to supplement the existing Acers and Sorbus trees to enhance the rural landscape of the lane. The Parish Council supports the proposal.

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

6. Officers Appraisal

- 6.1 This relatively modest proposal has attracted much criticism over a number of applications in recent time and has been held to be detrimental to the rural landscape as an over dominant structure.
- 6.2 The first point of consideration for the proposal is Policy A.56 of the Leominster District Local Plan (Herefordshire) this states proposals for extension and alterations to dwellings or buildings ancillary to the enjoyment of a dwelling will be permitted where they respect the form, architectural characteristics and details of the original building. The policy then goes on to set a number of criteria to be met. These include 'a scale and design which does not overwhelm the original structure nor harm the amenities of occupiers of nearby properties'. In this respect the policy refers to Policy A.54. In so far as the criteria are set out here are concerned it is not considered that the proposal is contrary to this particular policy nor has it been previously said to have been so.
- 6.3 Policy A.60 refers to the residential conversion of rural buildings. Had this proposal been for residential use i.e. for living accommodation then clearly the proposal would fail to meet the requirements of this policy. However, whilst intended for ancillary residential purposes it is not intended that the building be used for living accommodation.
- 6.4 Policy A.24 deals with the scale and character of development. In this instance the criteria most appropriate is criteria 6 which states proposals should not introduce features out of keeping with the landscape or settlements character. On previous occasions this proposal has been considered to be contrary to that aim.

- 6.5 Policy A.9 safeguarding the rural landscape has not been previously quoted as a reason of refusal however clearly is similar in aim to criteria 6 of Policy A.24.
- 6.6 This proposal has been subject to a number of discussions with the applicant and agent in an attempt to overcome the concern. One suggestion has been to take down a building and replace it with a purpose designed garage and storage building but this idea has been rejected.
- 6.7 The application has been amended to delete the windows from the east elevation of the building i.e. of that facing the lane although the design is still rather incongruous and photographs submitted by the applicant's agent in support for the proposal of other barns which have been similarly treated in this manner merely serve to indicate that this approach is less than successful. However the issue is one of impact on landscape and how the building when clad differs from the building as it currently exists. Whilst there may be an appreciable difference in the immediate vicinity it is not considered that the wider landscape concerns are so materially affected that the continued objection to the proposal is sufficient to substantiate the reason for refusal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - E08 (Domestic use only of garage)

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

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

The premises shall be used for garaging and storage and for no other purpose.

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

5 - A07 (Development in accordance with approved plans)

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

6 - G04 (Landscaping scheme (general))

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

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

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

8 - H01 (Single access - not footway) (6m x 0.6m)

Reason: In the interests of highway safety.

9 - H05 (Access gates)

Reason: In the interests of highway safety.

Informatives:

1 - HN10 - No drainage to discharge to highway

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCNC2005/1012/F - CHANGE OF USE WITH ASSOCIATED WORKS TO NON-COMMERCIAL AGRICULTURAL MACHINERY REPAIR & SERVICE WORKSHOP, WITH OFF-ROAD PARKING FOR THREE LORRIES AT UPPER HOUSE FARM, EDWIN RALPH, BROMYARD, HEREFORDSHIRE

For: R Harris Poultry Services per The Land Use Consultancy, 141 Bargates, Leominster, Herefordshire HR6 8QS

Date Received:
29th March 2005

Ward:
Bringsty

Grid Ref:
64333, 58058

Expiry Date:
24th May 2005

Local Member: Councillor T Hunt

1. Site Description and Proposal

- 1.1 Upper House Farm is located in open countryside, designated as being of Great Landscape Value, to the south of Edwyn Ralph.
- 1.2 This application proposes the use of a modern portal framed building that has a floor area of some 620m², and is on the north side of Upper House, to non-commercial agricultural machinery repair and service workshop with off-road parking for 3 lorries.

2. Policies

2.1 Malvern Hills District Local Plan

Employment Policy 6 – Re-use of Rural Buildings
Landscape Policy 1 – Development outside Settlement Boundaries
Landscape Policy 3 – Development in Areas of Great Landscape Value

2.2 Hereford and Worcester County Structure Plan

CTC2 – Development in Areas of Great Landscape Value
CTC9 – Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

E11 – Employment in the countryside
LA2 – Landscape character and areas least resilient to change

- 2.4 PPS1 – Delivering Sustainable Development
PPG4 – Industrial and Commercial Development and Small Firms
PPS7 – Sustainable Development in Rural Areas
PPG13 - Transport

3. Planning History

- 3.1 NC2002/2174/F - Change of use of barn to workshop for light industrial use. Refused 17.10.2002.

NC2002/3592/F - Change of use of agricultural building to light industrial workshop. Refused 19.3.2003.

NC2004/0706/F - Change of use, with associated highway works, from redundant farm buildings to non-commercial agricultural machinery repair and service workshop with off-road lorry parking. Refused 12.7.2004. Appeal lodged.

NC2004/0707/F - Change of use, with associated works, from redundant farm building to non-commercial agricultural machinery repair and service workshop with off-road lorry parking. Refused 12.7.2004. Appeal lodged.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection, subject to conditions.

5. Representations

- 5.1 Edwyn Ralph Parish Council: 'Resolved not to comment on the application as it is very controversial within the village, and it is considered that a decision be left to the planning officers who will be better placed to give an opinion.'

- 5.2 Letters of objection have been received from:

D W Armstrong, The Manor, Edwyn Ralph
M J Warren, Little Copse, Edwyn Ralph
R Turner, Old Cross Farmhouse, Edwyn Ralph

- a) This application is no different from the previous refused applications;
- b) The site is located in an Area of Great Landscape Value;
- c) The business should be located on a specifically designated industrial estate and purpose made access to main trunk roads;
- d) Noise nuisance;
- e) Air pollution; and
- f) Increase in traffic along Church Lane.

- 5.3 Letters of support have been received from:

Gillian Yeomans, The Nook, Clifton-upon-Teme
Harry Walton, QC, The Black Venn, Edwyn Ralph

5.4 In support of the application, the applicant has said:

- 1) No more than 3 lorries to be based at site A (Upper House Farm);
- 2) Lorries based at site A shall not exceed 27 tons gross weight;
- 3) Lorries at site A to be kept within the buildings detailed in 2nd part of 3rd Schedule;
- 4) Only 3 lorry movements at site A to occur during the 24 hour day;
- 5) No lorry movements to occur outside of 0700 to 2200 on weekdays;
- 6) No lorry movements to occur outside of 0700 to 1300 on Saturdays;
- 7) No lorry movements to occur on Sundays, Bank Holidays and Public Holidays;
- 8) Lorry engines to be run for 3 minutes only, on starting up or returning to site A;
- 9) Hedgerows within sites A (Upper House Farm) & B (the junction of the U65016 and U65017), bordering the highways U65017 & U65016 to be subject to a management scheme which will specify;
 - i) the objectives of the management scheme;
 - ii) the appropriately qualified contractor appointed by the owner to deliver the scheme;
 - iii) the timetable for routine inspections of the scheme by contractor and submission of reports to the local planning authority;
 - iv) the proposed schedule and content of the maintenance operations that are required to establish the new planting scheme;
 - v) the proposed schedule and content of the operations that will be applied in the post-establishment period in order to manage the scheme to achieve the plan's objectives in accordance with good arboricultural and landscape management practice;
- 10) The owner and the Council's Landscape Advisor will jointly review the hedgerow plan at intervals not exceeding 1 year commencing from the start date of the undertaking. They may agree appropriate changes to the schedule of operations for the remainder of the management scheme consistent with meeting the scheme objectives;
- 11) The scheme shall include indications of all existing trees and hedgerows within site A & B beside the U65017 and details of any to be retained, together with measures for their protection. All proposed planting shall be clearly described with species, sizes and planting numbers;
- 12) All planting, seeding or turning shall be carried out in the first planting and seeding seasons following within 12 months of the date of this undertaking and any trees or plants which within a period of 5 years from the above date 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 years defects period; and
- 13) None of the existing trees and hedgerows on the sites A & B beside U75017, (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.

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

6. Officers Appraisal

- 6.1 This application has been submitted following the refusal of planning applications NC2004/0706/F and NC2004/0707/F. Appeals to the Secretary of State for the Environment have been lodged against these refusals of planning permission and a Local Inquiry is to be held on 26 July 2005.
- 6.2 Employment Policy 6 of the Malvern Hills District Local Plan deals specifically with the re-use of rural buildings to business uses, as defined in Use Classes B1, B2 and B8, subject to an extensive criterion, including landscape impact, highway safety and effect on the amenity of neighbours. The proposal falls within Use Class B2.
- 6.3 Whilst the application building is a modern portal framed structure, it is of a size and construction suitable for employment use. Although located outside the settlement boundary of Edwyn Ralph, it is considered to be closely related to the village for economic use.
- 6.4 The determining factor in this application is the matter of highway safety. The site is accessed off a narrow unclassified road that exits onto Church Lane. Although previously the Traffic Manager has considered the road network unsuitable in its width to serve the previous proposals, which were unlimited in terms of traffic generation, no objection is raised to this proposal subject to the applicant entering into an agreement with the Council restricting the development to 3 lorries and movements of vehicles throughout the day, which is in line with the Vehicle Operators Licence granted by the Traffic Commissioners. By restricting the application to this number of lorries, the Traffic Manager does not consider the proposal will lead to an intensification in use of a junction, Church Lane, with the B4214, which does not have an accident history.

RECOMMENDATION

The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990, to set out heads of agreement and deal with any other appropriate and incidental terms or issues.

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

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

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

2. E06 - Restriction of Use (non-commercial agricultural machinery repairs and service workshop Class B2)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

18 DCNC2005/1032/F - ALTERATIONS AND EXTENSION TO CREATE AN ADDITIONAL DWELLING AT 3 LOCKHILL COTTAGES, LOCKHILL, UPPER SAPEY, WORCESTER, HEREFORDSHIRE, WR6 6XR

**For: G C Yarnold & Son per Linton Design Group,
27 High Street, Bromyard, Herefordshire, HR7 4AA**

Date Received:
30th March 2005

Ward:
Bringsty

Grid Ref:
68552, 63370

Expiry Date:
25th May 2005

Local Member: Councillor T Hunt

1. Site Description and Proposal

- 1.1 The application site is located within the settlement boundary of Upper Sapey, as shown on the Upper Sapey Inset Map in the Malvern Hills District Local Plan. It is sited on an unclassified road to the north of the B4203.
- 1.2 The proposal comprises an extension to the side elevation of one of a pair of semi-detached houses to create an additional separate dwelling. The garden curtilage would measure 156m² and the dwelling would provide 95m² of living accommodation in the form of a 3 bedroom end of terrace property.
- 1.3 The proposal would provide off road parking for two vehicles to the front of the new dwelling and for two vehicles to the front of the adjacent property, which is being extended.

2. Policies

2.1 Hereford and Worcester County Structure Plan

H2(B) - Housing Requirements
H16(A) – Housing in Rural Areas

2.2 Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Housing Policy 17 – Residential Standards
Landscape Policy 3 – Development in Areas of Great Landscape Value

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H7 – Housing in the Countryside Outside Settlements

3. Planning History

- 3.1 None relevant to this application

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.1 Traffic Manager – No objection.

5. Representations

- 5.1 Parish Council – No objection but would like to draw attention to the lack of parking provision.
- 5.2 Two letters of objection have been received with the following concerns:
- i) The kitchen and the two front bedrooms of the proposed new development will directly overlook the property on the opposite side of the road and this will encroach on the occupant's privacy.
 - ii) Concern is expressed about the intention to widen the drive to make access for two cars as this will mean the loss of a car parking space on the roadside to the front of the property. There is also concern regarding the loss of on road parking to the front of the adjacent property. The concerns come from a neighbour of the adjoining property to the rear, which fronts onto the B4203 and does not benefit from parking provision.
- 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 Housing Policy 3 – Settlement Boundaries of the Malvern Hills District Local Plan recognises the broad acceptability of residential infill on suitable sites within the established settlement boundary of Upper Sapey. The site lies wholly within the defined settlement boundary and is an area characterised by existing residential development. In the light of this it is not considered that there are any grounds for objecting to the principle of developing the site.
- 6.2 The proposed dwelling would adjoin the side elevation of an existing dwelling, replicating the dimensions and external appearance of the building as a whole. The application site is adjacent to a telephone exchange building, with a public telephone box and a post box located to the front. To the other side of the telephone exchange building is a footway which provides access to the rear of further neighbouring properties.

- 6.3 A letter of objection was received from the occupier of the property across the road with concerns about the potential loss of privacy. The front elevation of the proposed new dwelling would be approximately 22 metres from this property and as such it is considered that the distance between the properties would not cause significant overlooking to the detriment of the objector.
- 6.4 The Traffic Manager in relation to parking raised no objection, however, the Parish Council commented that parking was an issue within the locality and an objection was raised by the occupier of a neighbouring property concerning the loss of on road parking spaces. The proposal incorporates the provision of two off road parking spaces for the new dwelling in addition to two off road parking spaces for the adjoining property. It is considered that the provision of these parking spaces would be beneficial to the surrounding area. It should be noted that permitted development rights would allow for the existing dwelling to provide a new access and parking area that incorporated the entire frontage of the property. It is therefore considered unsustainable to refuse the application due to the loss of adjacent on road parking spaces.

Conclusion

- 6.5 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 it is considered that the proposal complies with the relevant policies in the Structure and Local Plan. The proposed development is in scale and character with the immediate area and there would be no detrimental effect on the residential amenity currently enjoyed by the occupiers of neighbouring properties. The proposed parking would be in accordance with Highway requirements and the loss of on road parking would not merit a sustainable reason for refusing the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - A06 (Development in accordance with approved plans) (1209/2)**

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

- 3 - B03 (Matching external materials (general))**

Reason: To ensure the satisfactory appearance of the development.

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

Reason: To protect the amenity of local residents.

5 - F18 (Scheme of foul drainage disposal)

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

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCNC2005/1075/O - SITE FOR RESIDENTIAL DEVELOPMENT DOWNS GARAGE, 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF

For: Mr Dennis Rowland Jones & Amanda Jane Jones

Date Received:
31st March 2005

Ward:
Leominster South

Grid Ref:
49555, 58738
AJ/CR

Expiry Date:
26th May 2005

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The site is currently known as Downs Garage, 70A South Street, otherwise known as the B4361. It is accessed through a Public House archway.
- 1.2 This archway leads off South Street (B4361) and adjoins the Listed adjacent Public House, listing number 2/204. The application site is the historic outbuildings for this Listed Building and as such is curtilage listed.
- 1.3 The area of the application site is 0.135 hectares.
- 1.4 Subsequent to the initial application, an amendment has been accepted such that the outline residential proposal for 5 nos. dwellings is altered to simply an outline proposal for the principle of residential development only with no dwelling numbers for this site.
- 1.5 Currently the only access to this site is from South Street through the above-mentioned archway. The rear of the property is bounded by residential dwellings all of which obtain access through separate sources to include Hawthorne Place and Wrights Court.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A.1 – Managing the District's Assets and Resources
- A.2 – Settlement Hierarchy
- A.18 – Listed Buildings and Their Settings
- A.19 – Other Buildings Worthy of Retention
- A.23 – Creating Identity and An Attractive Built Environment
- A.24 – Scale and Character of Development
- A.52 – Primarily Residential Areas
- A.54 – Protection of Residential Amenity

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S3 – Housing
- H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

H2 – Hereford and the Market Towns: Housing Land Allocations
H14 – Re-using Previously Developed Land and Buildings
HBA4 – Setting of Listed Buildings

2.3 Planning Policy Guidance Notes

PPG3 – Housing
PPG13 Transportation
PPG15 - Planning and Historic Environment

3. **Planning History**

- 3.1 Listed Building Consent reference 95/0010/L for 72 South Street, Leominster. This building fronts South Street and does not include the garage area behind. This was for a new window to the north ground floor wall.

4. **Consultation Summary**

Statutory Consultations

- 4.1 Water Authority, Hyder: No response

Internal Council Advice

- 4.2 Traffic Manager: Recommends condition H29 for one cycle space per bedroom to be required close to each dwelling. This can be included in any subsequent reserved Matters application. [No on site car parking need be provided in line with PPG13].
- 4.3 Conservation Manager: No objection in principle. Development here has the potential to affect the setting of three Listed Buildings close by, much will depend on detail design.
- 4.4 Landscape Officer: No objection

5. **Representations**

- 5.1 Leominster Town Council: 'Recommends refusal as this would be backland development and the access would be inadequate for the total number of houses proposed.'

- 5.2 3 letters of objection have been received from the following local residents:

R J Chance of Poppies
Mr and Mrs Rooke of Orchard End
Mrs L Barrington of 68 South Street

The main planning points raised are:

1. Design
2. Overlooking
3. Loss of privacy
4. Noise
5. Access

These points are dealt with in the Officers Appraisal below.

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

6. Officers Appraisal

- 6.1 The application has been amended taking into account comments raised by the Case Officer such that this is now purely an outline application for the principle of residential development and not for any specific number of proposed dwellings.
- 6.2 The application raises a number of issues and each of these will be dealt with in turn.
- 6.3 Backland development - this is merely a description based on area arrangements in relation to existing properties. It is not in itself a reason to object to development, but requires consideration at the Reserved Matters stage if approved. Additionally, this area is within the area designated primarily as residential for the market town of Leominster. Policy A52 states that residential development will be permitted within these areas on small vacant or undeveloped sites not specifically identified for housing where the proposals can comply with criteria in Policy A1 and in particular Policies of A18, A21, A25, A29, A54, A55, A62, A63 as appropriate.
- 6.4 Overlooking - at present, land uses on site are of single storey and at this outline stage of proposal there is as yet no formal plans identifying any subsequent potential dwellings. These can be conditioned at a reserved matters to be of one storey only and it is not applicable at this outline stage unless Members see fit to suggest a condition limiting reserved matters applications to single storey dwellings.
- 6.5 Privacy – again, this point is difficult to ascertain at this stage because the site is currently in a state where past and present uses, include activities on site such that it is difficult to substantiate that privacy loss would it would greater with the proposed land use than with the existing permitted land use.
- 6.6 Noise – again, with reference to the previous or most recent uses where potentially noisy and intrusive Public House or garage car maintenance was involved, the proposed use could be deemed an improvement.
- 6.7 In addition, it is considered that the proposal site could be suitably distant from any neighbouring dwellings to ensure that any future proposed reserved matters applications for specific dwellings need not cause any demonstrable loss of privacy, noise or overlooking. The scheme thus accords with the relevant policies in this respect.
- 6.8 Access – the Traffic Manager's response to this application recommends that any permission includes condition H29 for one cycle space per bedroom close to each dwelling. As this site is close to the town centre there is no requirement for onsite parking. Indeed it may prove necessary to prohibit on site parking for safety reasons.

Summary

- 6.9 Determination of this application requires a judgement as to whether the site is appropriate for residential development in principle with no view on the number of properties that may or may not be applied for on this site in future reserved matters applications. The property is within the curtilage of a Listed Building and adjacent to 2 further listed buildings. The current garaging use has largely ceased and the site is therefore within the terms of Policies A52 primarily residential areas and Policy A30 redevelopment of employment sites to alternative uses.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 A 04 (Approval of reserved matters)**

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

- 3 A 07 (Development in accordance with approved plans)**

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

- 4 A 05 (Plans and particulars of reserved matters)**

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

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

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

20 DCNC2005/1189/F - DEMOLITION OF HOLIDAY FLAT AND ERECTION OF A DETACHED HOUSE AT WHEELWRIGHT ARMS, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RN

For: Mr & Mrs C Clark at the same address

Date Received:
13th April 2005

Ward:
Bromyard

Grid Ref:
59839, 52748

Expiry Date:
8th June 2005

Local Members: Councillor P Dauncey & Councillor B Hunt

1. Site Description and Proposal

- 1.1 The site is located on the north side of the C1114 in the centre of the village of Pencombe near Bromyard. The site itself is immediately beside the Wheelwright Arms Public House and Lodon Mews residential development to the other side.
- 1.2 This lies within the Settlement Boundary for the village in accordance with Housing Policy 3.
- 1.3 The application proposal is for the demolition of the holiday flat which is currently beside the Wheelwright Arms Public House and erection of a two bedroomed detached house. The proposal sits within the site in a slightly different location to that which the holiday accommodation occupies, bringing the proposed building in line with the Pencombe Arms.

2. Policies

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Housing Policy 17 – Residential Standards

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H16 – Car Parking

PPG 3 – Housing
PPG13 - Transportation

3. Planning History

NC1999/2792/F – Change of use of redundant outbuildings to create self-catering holiday accommodation.

4. Consultation Summary

Statutory Consultations

- 4.1 Hyder Water Authority - No objections subject to conditions for foul water and surface water discharge.

Internal Council Advice

- 4.2 Traffic Manager - No objections subject to conditions for 2 parking spaces and the boundary wall between the development and Public House to be less than 600mm high to provide sufficient visibility for vehicular movements.

5. Representations

- 5.1 Pencombe with Grendon Warren Parish Council comment as follows: 'We feel the house is too large for the plot of land available. We and local residents are concerned that reducing parking space from the Wheelwrights Public House will result in nuisance parking to local residents. Parking space is already extremely limited and residents in High Orchard experience noise and nuisance from pub users on a regular basis. We feel this would be increased if pub users have to find alternative parking spaces, i.e directly outside residents properties. There is also concern regarding possible obstruction to High Orchard and the main village lane with regard to reducing access for emergency vehicles, fire, ambulance, police vehicles.'
- 5.2 The application has generated one letter of support and 7 letters of objection all from local residents.
- 5.3 The letter of support included the following points:
- a) The Wheelwrights Arms is a major part of the community supporting various local functions.
 - b) The proposal plans appear no different to the existing demands on parking as the site has already had two spaces allocated to it.
 - c) On the few occasions when the public house is very popular this provides the village with a friendly atmosphere and the retention of the public house is a valuable commodity for the community.
- 5.4 The letters of objection include the following points:
- a) Current car parking provision is inadequate. The proposal would halve the car parking provisions for the public house. It would result in nuisance parking in adjacent lanes.
 - b) Insufficient room for emergency services access.
- 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 raises particular issues which will be dealt with below.
- 6.2 Parking Provision, which appears to be the main area of contention for the proposed application.
- 6.3 This has already been described above - the current holiday accommodation has two spaces allocated to it to the front of the current holiday let facility. These spaces would be retained and used for the proposed residential development and no additional car parking spaces would be taken up.
- 6.4 The parking situation as described by a number of local residents is one that bears great consideration within Planning Policy guidelines. The proposal and the current land usage have identical number of parking spaces i.e. two, therefore the objection on the grounds of inadequate parking provision for the proposal cannot be substantiated.
- 6.5 The Traffic Manager raises no objection and his comments are based on the advice of PPG13. The proposal is therefore acceptable in the respect of parking provisions.
- 6.6 Other matters objected to include access by emergency vehicles and nuisance factors. These are largely civil matters or relevant to an existing development i.e. the Pencombe Arms and not a part of this specific application. As such there is no reason to take them into account for this application and therefore they cannot be used as justification to refuse the application.
- 6.7 The overall design and appearance of the scheme is generally considered to be satisfactory subject to details. The points raised in objection to the application are not sufficient to warrant its refusal and therefore the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

4 - A07 (Development in accordance with approved plans)

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

5 - G01 (Details of boundary treatments)

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

**21 DCNC2005/1416/F - TWO STOREY SIDE EXTENSION
AT 17 GODIVA ROAD, LEOMINSTER,
HEREFORDSHIRE, HR6 8UQ**

**For: Mr G L Wilcocks of 5 Ranelagh Street, Hereford,
HR4 0DT**

Date Received:

3rd May 2005

Expiry Date:

28th June 2005

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

Ward:

Leominster North

Grid Ref:

48158, 58957

1. Site Description and Proposal

- 1.1 This application is for the erection of a two-storey extension to the side of 17 Godiva Road, Leominster, a semi-detached property within the residential area of Leominster town.
- 1.2 The proposed extension would provide a further 54m² of accommodation in which it would offer a new kitchen on the ground floor with a covered area/car port to the front and two further bedrooms and a bathroom on the first floor. The existing dwelling has a floor area of approximately 78m². The extension would be built to the boundary with 19 Godiva Road and would extend to the full depth of the original house.
- 1.3 The property is located in a high-density development with a selection of semi-detached, detached and small rows of terraced properties.

2. Policies

2.1 Planning Policy Guidance

Planning Policy Guidance 3 – Housing

2.2 Hereford and Worcester County Structure Plan

CTC9 – Development Requirements

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 - Design

H18 – Alterations and Extensions

2.4 Leominster District Local Plan (Herefordshire)

A54 – Protection of Residential Amenity

A56 – Alterations, Extension and Improvements to Dwellings

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager – The proposed carport area is sub-standard with regards to length and would not constitute one car parking space. Whilst the County Council standard for a 4-bedroom dwelling is 3 car parking spaces, under PPG3 a maximum of 1.5 (i.e. 2 spaces in this case) are recommended. It would seem advisable to provide 2 car parking spaces within the curtilage under these circumstances.

5. Representations

5.1 Town Council – recommends refusal as this would constitute overdevelopment on this particular site.

6. Officers Appraisal

6.1 The proposed extension is large in comparison to the original dwelling and would result in a 70% increase in floor area. However, on its individual merits, the addition is designed to compliment the existing property using bricks to match the adjacent property and replicating the canopy on the front elevation. A window is proposed for the side elevation to provide light to the bathroom, a condition is suggested to ensure that it would remain obscure glazed.

6.2 The traffic manager highlighted the sub-standard proposed car port and suggested that 2 car parking spaces should be provided within the site. There is sufficient space within the curtilage to the front of the house to provide this parking area and a condition is suggested to guarantee its provision.

6.3 It is considered that the impact of the proposed development would have little impact upon the residential amenity of the neighbouring property due to the positioning and distance of the buildings.

6.4 On balance it is considered that the proposed development is acceptable and in line with policy guidance for development within residential areas. The nature of the surrounding area is high density residential development and as such this proposal is considered to be acceptable for the property and the location. It is recommended that the application be supported subject to the appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - The materials to be used in the construction of the roof of the extension hereby permitted shall match those used in the existing building. The materials to be used in the construction of the exterior walls of the extension hereby permitted shall match those used in the adjacent property, 15 Godiva Road.

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

- 3 - Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the window on the north side elevation on the approved plans shall be glazed with obscure glass only.

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

