

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 13th July, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor J.W. Hope 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 and J.P. Thomas

| | | Pages |
|----|--|---------|
| 1. | APOLOGIES FOR ABSENCE To receive apologies for absence. | |
| 2. | DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda. | |
| 3. | MINUTES To approve and sign the Minutes of the meeting held on 15th June, 2005. | 1 - 16 |
| 4. | CHAIRMANS ANNOUNCEMENTS To receive any announcements from the Chairman. | |
| 5. | 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 |
| 6. | APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. | |

- | | | |
|-----|---|---------|
| 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</p> <p>For: R Harper Estate per Planning Solutions, 96 Rock Hill, Bromsgrove, Worcester, B61 7HX.</p> <p>Ward: Ledbury</p> | 21 - 28 |
| 8. | <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</p> <p>For: G. P. Thomas & Son Ltd per David Taylor Consultants The Wheelwright's Shop Pudleston Leominster Herefordshire HR6 0RE</p> <p>Ward: Upton</p> | 29 - 32 |
| 9. | <p>DCNC2005/0547/F - ERECTION OF 2 COTTAGES WITH GARAGES AND ENTRANCE DRIVES AT SUNNYHILL, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DY</p> <p>For: G. P. Thomas & Son Ltd per David Taylor Consultants The Wheelwright's Shop Pudleston Leominster Herefordshire HR6 0RE</p> <p>Ward: Upton</p> | 33 - 36 |
| 10. | <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</p> <p>For: R Harris Poultry Services per The Land Use Consultancy, 141 Bargates, Leominster, Herefordshire HR6 8QS</p> <p>Ward: Bringsty</p> | 37 - 42 |
| 11. | <p>DCNC2005/1075/O - SITE FOR RESIDENTIAL DEVELOPMENT DOWNS GARAGE AT 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF</p> <p>For: Mr D Rowland Jones & Mrs A J Jones of Brookend, Kingsland, HR6 9SF</p> <p>Ward: Leominster South</p> | 43 - 46 |

- | | | |
|-----|---|---------|
| 12. | DCNE2005/0589/F & DCNE2005/0590/L - CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 USE AT THE BARN AT THE LOWER NUPEND, CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5NP | 47 - 52 |
| | For: Mr E Holloway per Mr C C Davies, 31 Park Avenue, Worcester, WR3 7AJ | |
| | Ward: Hope End | |
| 13. | DCNE2005/0960/F - TWO STOREY EXTENSION TO THE REAR OF THE PROPERTY AT 7 THE HOPKILNS, BISHOPS FROME, WORCESTER, WR6 5BP | 53 - 56 |
| | For: Mr & Mrs M J McGladdery per Lett & Sweetland Architects, 58 London Road, Worcester, WR5 2DS | |
| | Ward: Frome | |
| 14. | DCNE2005/1103/F & DCNE2005/1104/- CHANGE OF USE OF REDUNDANT MASONIC HALL TO RESTAURANT AT THE ROYAL OAK HOTEL, THE SOUTHEND, LEDBURY, HR8 2EX | 57 - 62 |
| | For: Mr I Martin per Mr P D Jones, 92 Robinsons Meadow, Ledbury, Herefordshire, HR8 1SX | |
| | Ward: Ledbury | |
| 15. | DCNE2005/1357/F - EXTENSIONS TO PROVIDE FIRST FLOOR BEDROOMS (2NO.) AND SITTING ROOM, GROUND FLOOR GARDEN ROOM AND ENLARGED GARAGE AT MANTLEY, 21 HORSE LANE ORCHARD, LEDBURY, HEREFORDSHIRE. | 63 - 66 |
| | For: Mr & Mrs M J Dobel per Harcourt Design Associates, The Old Bell, Harcourt Road, Mathon, Malvern, WR13 5PG | |
| | Ward: Ledbury | |
| 16. | DCNE2005/1515/F - PROPOSED ERECTION OF DETACHED DWELLING AND FORMATION OF A NEW VEHICULAR ACCESS AT LAND ADJACENT TO GREENBANK, THE COMMON, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LU | 67 - 72 |
| | For: Mr & Mrs Adams per Border Oak Design & Construction, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF | |
| | Ward: Hope End | |
| 17. | 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 | 73 - 78 |
| | For: Safeway Stores Ltd per DTZ Pieda Consulting 10 Colmore Row Birmingham B3 2QD | |
| | Ward: Leominster South | |

- | | | |
|-----|---|-----------|
| 18. | DCNC2004/3030/F & DCNC2004/2831/C - DEMOLITION OF A SINGLE DWELLING AND THE ERECTION OF 5 NO. DWELLINGS AT 25 NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DR | 79 - 82 |
| | For: Mrs S Sage at same address. | |
| | Ward: Leominster South | |
| 19. | DCNC2005/1316/F - EXTENSION TO PROVIDE FIRST FLOOR ACCOMMODATION AND EXTENSION OF UTILITY ROOM AT 22 LOWER THORN, BROMYARD, HEREFORDSHIRE, HR7 4AZ | 83 - 86 |
| | For: Mr N Smillie per Mr R Burraston Foxhall Bringsty Common Worcester WR6 5UN | |
| | Ward: Bromyard | |
| 20. | DCNC2005/1372/F - ALTERATIONS AND EXTENSION TO CLUB HOUSE, PROPOSED HOLIDAY LODGES, NEW GROUNDSMAN'S SHED AND NEW TREATMENT PLANT AT BROCKINGTON GOLF CLUB, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HX | 87 - 94 |
| | For: Brockington Hall Golf Club per Barton Hasker Ltd 1620-1622 High Street Knowle Solihull West Midlands B93 0JU | |
| | Ward: Hampton Court | |
| 21. | DCNC2005/1728/F - CHANGE OF USE OF SHOWROOM TO VETERINARY SURGERY AND STAFF LIVING QUARTERS AT LYNDEN GARAGE, KINGS ARMS YARD, BROMYARD, HEREFORDSHIRE, HR7 4EE | 95 - 98 |
| | For: Fatydam Ltd, 63 Bromyard Road, Worcester, WR2 5BZ | |
| | Ward: Bromyard | |
| 22. | DCNC2005/1800/F - ALTERATIONS AND AMENDMENTS TO PREVIOUS PLANNING APPROVAL NC2004/2934/F AT 4 MAPPENORS LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8TG | 99 - 102 |
| | For: Mr S Perry at same address. | |
| | Ward: Leominster North | |
| 23. | DCNW2004/3784/O - SITE FOR RESIDENTIAL DEVELOPMENT SITE ADJOINING OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ | 103 - 108 |
| | For: Mr G Lewis, The Les Stephan Partnership, 9 Sweetlake Business Village, Longden Road Shrewsbury, SY3 9EW | |
| | Ward: Bircher | |
| 24. | DCNW2004/3790/O - SITE FOR NEW FARM SHOP WITH RESTAURANT FACILITY AT LAND OPPOSITE OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ | 109 - 114 |
| | For: Mr G Lewis, The Les Stephan Partnership, 9 Sweetlake Business Village, Longden Road Shrewsbury, SY3 9EW | |
| | Ward: Bircher | |

- | | | |
|-----|--|-----------|
| 25. | DCNW2005/1288/F - PROPOSED 2 SINGLE STOREY EXTENSIONS, CHANGE OF USE OF GROUND FLOOR TO RESTAURANT AND NEW VEHICULAR ACCESS AT THE OLD VICARAGE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU | 115 - 124 |
| | For: Mr P Leedham-Smith, Bryan Thomas Architectural Design Ltd, The Malt House, Shobdon, Leominster, Herefordshire, HR6 9NL | |
| | Ward: Mortimer | |
| 26. | DCNW2005/1503/F - CONVERSION OF BARN INTO HOLIDAY HOME AT OAK BARN, UPCOTT, ALMELEY, HEREFORDSHIRE, HR3 6LA | 125 - 130 |
| | For: Mr S Dick of above address. | |
| | Ward: Castle | |
| 27. | DCNW2005/1504/F & DCNW2005/1505/L - CONVERSION OF BARN TO PROVIDE ADDITIONAL ANCILLARY ACCOMMODATION WITH LINK CONSERVATORY AT BANK HOUSE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LB | 131 - 134 |
| | For: Mr & Mrs Lester per S R Brown and J C Salt, 11 Market Street, Craven Arms, Shropshire, SY7 9NW | |
| | Ward: Mortimer | |
| 28. | DCNW2005/1542/O - DEMOLITION OF EXISTING DWELLING, GARAGE AND OUTBUILDINGS. SITE FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ | 135 - 146 |
| | For: Wicks Consultancy per Mr Stephen Funge, Architechural Design, Dartmoor View, Queen Street Winkleigh, Devon, EX19 8JB | |
| | Ward: Mortimer | |
| 29. | DCNW2005/1552/F - PROPOSED DWELLING TO REPLACE PREVIOUSLY APPROVED DWELLING AT HOUSE PLOT ADJACENT TO STORES AND YEW TREE HOUSE, SHOBDON, HEREFORDSHIRE, HR6 9LX | 147 - 152 |
| | For: Mr & Mrs M Lovell per Mr C Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW | |
| | Ward: Pembridge & Lyonshall with Titley | |
| 30. | DCNW2005/1710/F - IMPROVE FIELD ACCESS AT MARSH VIEW FARM, TUNNEL LANE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HY | 153 - 156 |
| | For: M & D Harris of same address | |
| | Ward: Bircher | |
| 31. | DCNW2005/1819/F - USE OF LAND AND ERECTION OF WORKSHOP AND OFFICE FOR COACH HIRE BUSINESS AT PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE | 157 - 160 |
| | For: Mr Taylor per The Land Use Consultancy, 141 Bargates, Leominster, Herefordshire, HR6 8QS | |

Ward: Mortimer



The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

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, 15th June, 2005 at 2.00 p.m.

Present: 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, 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

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

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors P Dauncey and Mrs J French.

2. DECLARATIONS OF INTEREST

Councillor RBA Burke declared a Prejudicial Interest in respect of Item 15 - DCNC2005/0983/F - Change of use to A5 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 and left the meeting for the duration of this item.

3. MINUTES

RESOLVED: That the Minutes of the meeting held on 18th May, 2005 be approved as a correct record and signed by the Chairman

4. ITEM FOR INFORMATION - APPEALS

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

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 LACHEM & ASSOCIATES, 9 AYLESTONE DRIVE, HEREFORD. HR1 1HT (AGENDA ITEM 5)

Councillor RM Manning the local Ward Member asked if conditions could be added to the permission requiring the applicants to make 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. It was noted that this could not be achieved by conditions and that the applicants were not prepared to enter into a section 106 agreement. The Principal Planning Officer said that the matter would be taken up with the Council's Transportation Department.

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

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

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

2 - A06 (Development in accordance with approved plans)

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

3 - 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

- 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 (AGENDA ITEM 6)**

The Principal Lawyer said that following a recent change to the Council's Constitution, the application could not be determined by the Sub-Committee and that it would have to be referred to the Planning Committee.

7. **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 (AGENDA ITEM 7)**

RESOLVED:

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

- (a) the character or appearance of the development itself is a fundamental planning consideration;**
 - (b) a judgement is required on visual impact; and**
 - (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.**
8. **DCNE2005/1352/F - CONVERSION OF BARNES TO ONE DWELLING IN SUPPORT OF AGRICULTURAL HOLDING AT UPPER HOUSE BARNES, PUTLEY, HEREFORDSHIRE. HR8 2QR FOR: MESSRS D J PARDOE PER MR N J TEALE, BRAMBLES FARM, NAUNTON, UPTON-UPON-SEVERN, WORCESTERSHIRE WR8 0PZ**

In accordance with the criteria for public speaking Mr Pugh the agent acting on behalf of the applicants spoke in favour of the application.

Councillor RM Manning the Local Ward Member felt that there was merit in the application being approved because of on an agricultural need and material planning considerations. He gave an outline of the family circumstances of the applicant and why additional accommodation was needed in connection with the operation of the business. The applicant produced organically grown fruit for a national supermarket and door-to-door sales and required on-site accommodation for a manager to supervise growing, harvesting and packaging of the produce. The application was for the conversion of an existing building which he felt had considerable merit in itself and which did not constitute a new dwelling in the open countryside.

The Northern Team Leader said that the proposal was contrary to a number of the Council's planning policies and that the buildings were not considered to be of significant historic and architectural quality to warrant retention and conversion to residential use. He also said that the applicant had failed to demonstrate to his satisfaction that exceptional circumstances existed to override those policies. Councillor BF Ashton supported this view and was concerned that a precedent could be set for similar applications if this was granted. Councillor WLS Bowen was of the view that permission could not be granted on personal grounds.

The Sub-Committee considered all the merits of the application and felt that the applicant had demonstrated sufficient evidence about the functional agricultural use of the farm and agricultural diversification. The views of the Officers were noted but it was felt that the applicants had demonstrated a functional need for the dwelling as part of the running of the fruit production and packaging business. It was felt that permission could be granted if the dwelling was tied to the business and permitted development rights were removed.

RESOLVED: That

The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions set out below (and any further conditions felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee;

- 1. The proposed dwelling being tied to the agricultural business; and**
- 2. Material considerations.**

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

(The Northern Team Leader said that because the application was contrary to a number of the Councils Planning Policies, he would refer the application to the Head of Planning Services)

- 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**

RESOLVED: 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 accommodation 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

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

RESOLVED: That, subject to no adverse comments being received from 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

11. **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**

In accordance with the criteria for public speaking Mrs Midwood spoke against the application and Mr Burton the agent acting on behalf of the applicant spoke in favour.

Mrs LO Barnett the Local Ward Member was in favour of the application subject to acceptable tree screening being provided for the benefit of the neighbouring property.

RESOLVED:

That

DCNW2005/1056/F

That planning permission be granted subject to the receipt of suitably amended plans and that the requirements for the provision of screening be in consultation with the Local Ward Member

- 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

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

In accordance with the criteria for public speaking Mrs Midwood spoke against the application and Mr Burton the agent acting on behalf of the applicant spoke in favour.

Mrs LO Barnett the Local Ward Member was in favour of the application subject to acceptable tree screening being provided for the benefit of the neighbouring property.

RESOLVED:

That planning permission be granted subject to the following conditions and that the requirements for the provision of screening be in consultation with the Local Ward Member:

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

13. 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 LTD PER DAVID TAYLOR CONSULTANTS THE WHEELWRIGHT'S SHOP PUDLESTON LEOMINSTER HEREFORDSHIRE HR6 0RE

RESOLVED:

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

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

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

RESOLVED:

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

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

15. DCNC2005/0983/F - CHANGE OF USE TO A5 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

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

- 1 - E03 (Restriction on hours of opening)

The use hereby permitted shall only be open to customers between the hours of 8.00am and 2.00pm, Monday to Saturday, and not at any time on Sundays or Bank or Public Holidays.

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

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

In accordance with the criteria for public speaking Mrs Burgess spoke against the application and Mr Clarke, the applicant, spoke in favour.

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

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

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

- 2 - 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)

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

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

RESOLVED:

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

- (a) the setting and surroundings are fundamental to the determination or to the conditions being considered.

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

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

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

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

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

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

RESOLVED:

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

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

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

The receipt of a letter from the applicant was reported.

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

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

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

- 2 - 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) – boundary to front not to exceed 600mm.

Reason: In the interests of visual amenity and to ensure highway safety.

Informative:

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

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

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 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 shall be subject to the prior agreement in writing by the Local Planning Authority and 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**

The meeting ended at 3.25 p.m.

CHAIRMAN

| |
|---|
| 5 ITEM FOR INFORMATION - APPEALS |
|---|

APPEALS RECEIVED**Application No. DCNC2004/2250/F**

- The appeal was received on 29th June 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 P Williams
- The site is located at Bodenham Manor, -, Bodenham, Hereford, Herefordshire, HR1 3JS
- The development proposed is Quad biking track and paintballing area.
- The appeal is to be heard by Written Representations

Case Officer: Duncan Thomas on 01432 383093

Application No. DCNE2005/0605/F

- The appeal was received on 10th June 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 Raines
- The site is located at Newtown Inn, -, Lower Eggleton, Ledbury, Herefordshire, HR8 2UG
- The development proposed is Proposed 10 bed accommodation block for use with existing inn facilities
- The appeal is to be heard by Hearing

Case Officer: Andrew Banks on 01432 261803

Application No. DCNC2005/0572/F

- The appeal was received on 16th June 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 W A Tong Esq
- The site is located at Property adjoining Orchard Cottage, Brimfield, Ludlow, Herefordshire, SY8 4NE
- The development proposed is Proposed change of use from garage into dwelling with conservatory
- The appeal is to be heard by Written Representations

Case Officer: Astrid Jahn on 01432 261560

Application No. DCNW2005/0131/O

- The appeal was received on 29th June 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 N Morris

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

- The site is located at Outbuildings at Mayfield, Rushock, Nr. Kington, Herefordshire. HR5 3RZ
- The development proposed is Proposed site for new dwelling with annexe
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons on 01432 261781

APPEALS DETERMINED

Application No. DCNE2004/3668/F

- The appeal was received on 25th 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 & Mrs J Pinto
- The site is located at Land at the rear of Green Dragon, Bishops Frome, Worcester, Herefordshire, WR6 5BP
- The application, dated 22ND October 2004 , was refused on 29th November 2004
- The development proposed was Proposed detached bungalow.
- The main issues are the effect on the setting of the Green Dragon Inn, the potential effect on the economic viability of the Green Dragon Inn and the effect on the living conditions of future occupants of the proposed dwelling due to potential overlooking, noise and disturbance.

Decision: The appeal was DISMISSED on 2nd June 2005

Case Officer: Ed Thomas on 01432 261795

Application No. DCNC2004/2709/F

- The appeal was received on 3rd March 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 Mrs L Woodfield
- The site is located at Land at Croft Lane, Luston, Nr Leominster, Herefordshire
- The application, dated 20TH July 2004 , was refused on 14th January 2005
- The development proposed was Proposed 3 log cabins for holiday accommodation (transportable).
- The main issue is whether or not this proposal would constitute a justifiable and acceptable form of new built development in the open countryside.

Decision: The appeal was DISMISSED on 31 May 2005

Case Officer: Duncan Thomas on 01432 383093

Application No. DCNC2004/2117/F

- The appeal was received on 22nd November 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Allard & Mathews
- The site is located at Adjoining 51 New Road, Bromyard, Herefordshire, HR7 4AL
- The application, dated 11th May 2004, was refused on 17th September 2004
- The development proposed was Erection of a bungalow.
- The main issues are the effect on the character and appearance of the locality, and the effect on the living conditions of nearby residents through potential noise and disturbance, loss of aspect and overlooking.

Decision: The appeal was **DISMISSED** on 8th June 2005

Case Officer: Duncan Thomas on 01432 383093

Application No. DCNE2004/0369/F

- The appeal was received on 27th July 2004
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr T Fuller
- The site is located at The Stables, Fromes Hill, Ledbury, Herefordshire, HR8 1HP
- The application, dated 2nd February 2004, was refused on 23rd June 2004
- The development proposed was Change of use of stables to holiday lets
- The main issues are whether the development concerned is consistent with national and local policy for the control of development in the countryside, and if not, whether material considerations exist which are sufficient to justify the development as an exception.

Decision: The appeal was DISMISSED on 6th JUNE 2005

Case Officer: Kevin Bishop on 01432-261803

Enforcement Appeal No. EN2004/0011/ZZ

- The appeal was received on 20th September 2004
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr T Fuller
- The site is located at land to the rear of The Wheatsheaf Inn, Fromes Hill, Ledbury
- The breach of planning control alleged in this notice is "without planning permission the erection of two block-built single storey buildings for the purpose of residential accommodation"
- The requirements of the notice are: (1) remove the buildings and (2) remove from the site all rubble, hardcore and other debris

- The main issue are whether the development concerned is consistent with national and local policy for the control of development in the countryside, and if not, whether material considerations exist which are sufficient to justify the development as an exception.

Decision: Summary of Decision: the requirements of the notice are varied; subject thereto the appeal is DISMISSED, the notice is UPHELD and the deemed application is refused.

Case Officer: Kevin Bishop on 01432-261803

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

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:

.....

Background Papers

Internal departmental consultation replies.

8A DCNC2005/0545/F - DEMOLITION OF SIDE EXTENSION, CONVERSION OF STORAGE AREAS TO ADDITIONAL ACCOMMODATION AND REPLACEMENT GARAGE

&

8B 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

Introduction

These applications were deferred at the last meeting of the Sub-Committee for a site visit.

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**

Decision:

Notes:

.....

DCNC2005/1081/L

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

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

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

- 2 - 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:

.....

Background Papers

Internal departmental consultation replies.

9 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

Introduction

This application was deferred at the last meeting of the Sub-Committee for a site visit.

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 SummaryStatutory 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:

.....

Background Papers

Internal departmental consultation replies.

10 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

Introduction

This application was deferred at the last meeting of the Sub-Committee for a site meeting.

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

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

2) 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.

Informative:

1. N15 (Reasons for planning permission)

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

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

For: Mr D Rowland Jones & Mrs A J Jones of Brookend, Kingsland, HR6 9SF

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

Introduction

This application was deferred at the last meeting of the Sub-Committee for a site visit.

1. Site Description and Proposal

- 1.1 The site is currently known as Downs Garage, 70A South Street, otherwise known as the B4361, accessed through a carriage 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 known as Downs Garage now used for lock-up garages.
- 1.4 The amended application has been accepted such that this is an outline proposal to establish the principle of residential development only.
- 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 is purely for the principle of residential development and any details will be applied for in a Reserved Matters application.
- 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 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. The site has current use for lock-up garages in an 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. This is an outline application and this matter would be for review at the Reserved Matters stage, where this can be conditioned.
- 6.5 Privacy – again, this point is difficult to ascertain at this stage because the site is currently in a state where the present uses, (lock-up garages) include activities on site that would make this claim hard to substantiate – which is that that privacy loss would be 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, arguably the potential for noise from the present lock-up garages could be improved by change of use to residential.
- 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 limit on site parking for safety reasons.

Summary

- 6.9 This application requires a judgement on whether the site is appropriate for residential development only. Any view on the number of properties or transportation access that may or may not be applied for on this site are matters for a Reserved Matters application.
- 6.10 The property is within the curtilage of a Listed Building and adjacent to 2 further listed buildings. The current garaging use has ceased and lock-up garages remain in use. 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 - A02 (Time limit for submission of reserved matters (outline permission))**

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

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

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

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

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

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

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

Informatives:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

12A DCNE2005/0589/F & - CHANGE OF USE OF AGRICULTURAL BUILDINGS TO B1 USE AT THE BARN AT THE LOWER NUPEND, CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5NP

120 DCNE2005/0590/L – THE SAME

For: Mr E Holloway per Mr C C Davies, 31 Park Avenue, Worcester, WR3 7AJ

Date Received:
18th February 2005

Ward:
Hope End

Grid Ref:
72576, 48540

Expiry Date:
15th April 2005

Local Member: Councillor R Stockton

1. Site Description and Proposal

- 1.1 The application relates to a range of redundant farm buildings adjacent to The Lower Nupend at Cradley. They comprise a two storey barn, predominantly brick built but also with a stone element to the south-east gable end and a single storey wing projecting to the north-west. A dutch barn is positioned to the south and it is proposed to remove this.
- 1.2 The application seeks to convert the buildings to a B1 use, to modify an existing vehicular access and to provide an area for car parking. The plans show the two storey brick part to be retained at full height and open plan. A staircase is to be introduced into its most south-easterly part, giving first floor access to the stone part which is to be divided into ground and first floor. The single storey stone part is also to be retained as open plan, the submission indicating that they will be used as offices.
- 1.3 The plans require minimal alterations to the extension of the buildings. All existing openings are to be re-used and the proposal does not require the insertion of any new ones.

2. Policies

Hereford and Worcester County Structure Plan

CTC13 – Conservation of Buildings

Malvern Hills District Local Plan

Employment Policy 6 – Re-use of Rural Buildings
 Conservation Policy 9 – Alterations and Extensions to Listed Buildings
 Conservation Policy 10 – Alternative Uses for Listed Buildings
 Conservation Policy 11 – The Setting of Listed Buildings

Herefordshire Unitary Development Plan – Revised Deposit Draft

HBA1 – Alterations and Extensions to Listed Buildings
HBA3 – Change of Use of Listed Buildings
HBA4 – Setting of Listed Buildings
HBA12 – Re-Use of Rural Buildings

3. Planning History

NE03/1945/F - Change of use of buildings into workshops for artisans (Class B1 use) - Approved 10th October 2003 - The approval was subject to a condition limiting the use to that as specified in the applicants supplementary letter.

NE03/1554/F & NE03/1420/L - Conversion of redundant agricultural buildings to form one dwelling - Refused 10th July 2003.

NE02/2584/F & NE02/3440/L - Conversion of redundant agricultural buildings to form one dwelling - Withdrawn.

NE01/0920/L - Remove corrugated tin roof and replace with slates - Approved 7th June 2001.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objections but notes that this is not a very sustainable location for office use.

4.3 Conservation Manager - Comments that in principle this proposal is considered acceptable. However given the unfortunate deterioration within the main barn we believe that further structural information is required. This is because the timber that has broken is a major structural timber and therefore any repairs or replacement would have an impact on the structure as a whole. Given that the proposal is to convert the buildings it would not be appropriate to dismantle the entire roof structure and then re-erect it. It would be recommended that the roof remain in situ whilst any repairs or replacement timbers are inserted.

With regards to the other issues we believe that the proposal is acceptable. However a 1:50 scale drawing showing the junction between the block wall and the brick existing barn also required. This should show that the detail next to the adjacent arch is being left unaltered and what if any impact there is on the roof of the barn. The new block wall should not cut into the historic brickwork.

Conclusion/Recommendation: A structural assessment of the brick barn roof is required. A drawing of the block wall/brick wall junction is required. Conditions should include: The submission of a schedule of works for the barn complex prior to beginning work. The submission of a schedule of works to make the bothy good prior to beginning work. Bricks to match existing stone to match existing mortar mix subject to approval. Slates subject to approval joinery details subject to approval.

5. Representations

5.1 Cradley Parish Council - Concerned about additional commercial traffic movements on a lane where there have been accidents and the road is liable to flooding. Also concerned about traffic using the northern access for safety grounds.

5.2 Four letters of objection have been received from:

Mr & Mrs Mullaney, Coronation Cottage, Cradley.
Mr & Mrs Good, The Nupend, Cradley.
Mr & Mrs Bailey, Cherry Orchard, Winthill, Cradley.
Mr Wynne-James, The Lower Nupend, Cradley.

In summary the points raised are as follows:

Concerns over highway safety.
The development will be alien to the historic context of the surrounding area.

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

6. Officers Appraisal

6.1 These buildings have a substantial planning history and this is of relevance in the consideration of this proposal.

6.2 In refusing consent for the conversion of the buildings to residential use two reasons were given. One related to the method of conversion and, with a revised scheme could have potentially been addressed. The second referred to the applicant's lack of attempts to seek a business re-use in the first instance. An application was then subsequently submitted by a third party for commercial use; serving notice on the owner of the building. This was approved under reference NE03/1945/F and is referred to earlier in this report.

6.3 The approval is restrictive in terms of the end use of the building, and is effectively personal to that particular applicant. In accordance with the previous refusal reason for residential use, the owner of the buildings is now attempting to secure a permission for commercial use that will allow him to market them.

6.4 Objections have been submitted on highway safety grounds, and particularly that the proposal will generate significant numbers of traffic movements, more in fact than the approved scheme.

6.5 A revised layout plan for the scheme shows 12 car parking spaces to the south of the barns, served by an existing point of access. The access further to the north is to be retained as a separate means of access to buildings that will continue to be used for agricultural storage.

- 6.6 The Transportation Manager does not object to the application but notes that the site is not particularly sustainable. Whilst this may be a viable comment, the previous history has pre-empted this application and is submitted to address previous concerns. B1 use include offices; other than those in Class A2 which covers professional and financial services that generate significant customer visits (these are generally found in town centre locations), research and development and light industry, and it is your officers opinion that it is such commercial uses to which these buildings are most suited. However, the application does make specific reference to office use, and to secure greater certainty in respect of highway issues, it may be pertinent to impose a condition to restrict use to that of offices within Class B1. On this basis, the proposal is unlikely to generate significantly more traffic movements than the approved scheme and therefore is considered acceptable in this respect.
- 6.7 The scheme requires minimal alterations to the building and will secure its long-term future. The historical context in terms of the surrounding area will not be significantly affected by it and the use in itself has not generated objection from the Conservation Manager.
- 6.8 Subject to conditions requiring further details of the repairs necessary to the building, details of new joinery and slates to re-roof, the proposal is considered to be acceptable and is accordingly recommended for approval.

RECOMMENDATION

NE05/0589/F

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)(18th May 2005)

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

3 - C17 (Samples of roofing material)

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

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 - C11 (Specification of guttering and downpipes)

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

7 - 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.

8 - C02 (Approval of details)

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

- (a) the method of repair of the roof timber
- (b) a full schedule of repairs for the remainder of the building

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

9 - E06 (Restriction on Use) (Offices) (B1)

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

10 - G01 (Details of boundary treatments)

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

Informatives:

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

NE05/0590/L

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

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

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

2 - A09 (Amended plans)(18th May 2005)

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

3 - C17 (Samples of roofing material)

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

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 - C11 (Specification of guttering and downpipes)

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

7 - 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.

8 - C02 (Approval of details)

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

- (a) the method of repair of the roof timber
- (b) a full schedule of repairs for the remainder of the building

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

Informatives:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

13 DCNE2005/0960/F - TWO STOREY EXTENSION TO THE REAR OF THE PROPERTY AT 7 THE HOPKILNS, BISHOPS FROME, WORCESTER, WR6 5BP

For: Mr & Mrs M J McGladdery per Lett & Sweetland Architects, 58 London Road, Worcester, WR5 2DS

Date Received:
23rd March 2005

Ward:
Frome

Grid Ref:
66143, 48494

Expiry Date:
18th May 2005

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The Hopkilns is a small residential development within Bishops Frome comprising 11 modern detached dwellings.
- 1.2 The application relates to no. 7. It is a property that backs onto open countryside, with neighbours to either side. These are staggered with the dwelling to the west, known as Sedona, set forward from the application site, whilst that to the east (no. 8) is set back.
- 1.3 The gardens of each of the properties in this part of the development are terraced and there is a considerable change in level; well in excess of two metres, from the rear elevation of the dwelling to the end of the garden, a distance of approximately 15 metres.
- 1.4 The proposal seeks to create an extension off the rear elevation. It is centrally positioned and is of a contemporary design, being two-storeys with a cantilevered roof overhanging a balcony. The plans have been amended since the applications original submission and a set of external steps down into the garden have been removed and two obscure glazed screens proposed to either side of the balcony.
- 1.5 The extension is shown to be finished in a combination of brickwork at ground floor level, cedar boarding at first floor with a substantial area of glazing on the northern gable end, all under a tiled roof to match the existing. It has a combined floor area of 36m² as opposed to the main dwelling which has an area of 150m².

2. Policies

Malvern Hills District Local Plan

Housing Policy 16 – Extensions

Herefordshire Unitary Development Plan – (Revised Deposit Draft)

H18 – Alterations and Extensions

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objections.

5. Representations

5.1 Bishops Frome Parish Council - In response to the original application commented as follows:

'The occupant of Farrow House has expressed concerns about the loss of privacy in his back garden and would therefore request that the upstairs window on the west elevation be made from opaque glass and non-opening. He has also requested that the balcony be walled off so as to restrict the view of his garden. Otherwise there are no objections to the application'.

In light of re-consultation following the receipt of amended plans they now comment:

'Two nearby homes are affected by the proposed development. The occupant of Farrow House objects to the plans on the grounds that the changes are not in keeping with the rest of the building and they represent an intrusion into his privacy. The extension will directly overlook his garden and hot tub.

The occupant of Kintail agrees with the comment that the proposals are not in keeping. He believes that the material used should be brick, and that there should not be a balcony'.

5.2 Letters of objection have been received from Mr & Mrs McBarnet, Sedona, The Hopkilns in response to the original application and subsequently amended scheme. In summary the points raised are as follows:

1. Concerns regarding potential overlooking both regarding windows and the proposed balcony.
2. Design is not in keeping with its surroundings.

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 16 of the Malvern Hills District Local Plan is most relevant to this proposal. It highlights a number of issues that are of relevance when dealing with applications. The three most relevant in this case are as follows:

- a) be at a scale and mass which ensures that the architectural character of the original building is retained and continues to dominate,
- b) be to a high standard of design with size, siting and external materials complementing the character and appearance of the original building and its surroundings, and
- c) not result in undue loss of residential amenity to nearby properties.

6.2 Scale and Mass

As the comparative floor areas indicate, the extension is subservient to the main dwelling. It is attached to the rear elevation and not readily visible from the road frontage. The original dwelling will continue to be the dominant architectural feature and the proposal is considered to comply with this aspect of the policy.

6.3 Design

The existing dwellings generally have an attractive appearance but are not of any particular architectural style or quality. The proposed extension is of a much more contemporary style and does reflect current architectural trends in terms of its design and choice of materials. It is a high quality design but clearly differs from the appearance of the host building. The removal of the cantilevered roof and balcony would probably address third party concerns in this respect, but the applicant has chosen to retain these features. On balance, it is your officer's opinion that their retention is not sufficient to refuse the application on design grounds. The scheme is therefore acceptable in this respect.

6.4 Residential Amenity

In its original form, the first floor balcony was not screened and arguably would have caused some overlooking of neighbouring properties. However, the introduction of glazed screens in effect renders the outlook from the balcony no different to that from a first floor window. Any overlooking will only be of the end part of the garden of Sedona, and similarly of no. 8. An assessment must be made as to whether this is significantly injurious over and above the situation as it exists at present with first floor windows and a degree of overlooking caused by the change in levels within the garden. Again it is your officers balanced view that it will not cause a significant loss of privacy to warrant refusal.

6.5 It is therefore concluded that the proposal accords with the local plan policy and is consequently recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - 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 - E19 (Obscure glazing to windows)

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:

.....

Background Papers

Internal departmental consultation replies.

14A DCNE2005/1103/F - CHANGE OF USE OF REDUNDANT MASONIC HALL TO RESTAURANT AT THE ROYAL OAK HOTEL, THE SOUTHEND, LEDBURY, HR8 2EX

14B DCNE2005/1104/L – NEW ACCESS, KITCHEN/TOILET FACILITIES AND ALTERATIONS AT THE SAME ADDRESS.

For: Mr I Martin per Mr P D Jones, 92 Robinsons Meadow, Ledbury, Herefordshire, HR8 1SX

Date Received:

6th April 2005

Ward:

Ledbury

Grid Ref:

71096, 37522

Expiry Date:

1st June 2005

Local Member: Councillor P Harling

1. Site Description and Proposal

- 1.1 This application refers to part of a substantial building known as The Royal Oak Hotel, The Southend, Ledbury. It comprises the main public house/hotel which fronts onto the road, with a large two-storey wing extending to the rear. The whole building is Grade II listed.
- 1.2 This proposal seeks to change the use of the first floor of the wing to the rear from a Masonic Hall to a restaurant. It requires the provision of an access independent from the public house, and this is shown to be provided via an entrance to the northern end of the buildings front elevation. The submitted plans show an external steel staircase with a canopy over, and the creation of a new doorway. The existing double doors onto The Southend will be retained.
- 1.3 Some minor internal alterations are also proposed to create a lobby entrance and toilet facilities. Existing windows are to be re-opened in the north elevation, but the scheme otherwise does not propose any major changes to the fabric of the building.

2. Policies

Hereford and Worcester County Structure Plan

CTC13 – Conversion of Buildings

Malvern Hills District Local Plan

Conservation Policy 10 – Alternative Uses for Listed Buildings

Shopping Policy 6 – Upper Floors

Herefordshire Unitary Development Plan – Revised Deposit Draft

HBA1 – Alterations and Extensions to Listed Buildings

3. Planning History

3.1 None relevant to this application.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - Given town centre location it would seem unreasonable to apply car parking standards. Therefore no objection.

4.3 Conservation Manager - In principle this proposal is acceptable and would have a minor impact on the character and appearance of this important building. Further details are required of the lobby entrance and its roof.

4.4 Environmental Health Manager - No objection subject to condition.

5. Representations

5.1 Ledbury Town Council - Recommend approval.

5.2 Three letters of objection have been received from:

Mr & Mrs Nudds-Hunter, Top Brass, 4 The Southend, Ledbury
Stephanie Wayne, Apple Pie House Ltd, 8 New Street., Ledbury.
Mr & Mrs Melvin, 1 The Paddock, South Parade, Ledbury.

In summary, the points raised are as follows:

1. Concern that the proposed staircase will compromise access/egress to the ground floor.
2. The proposal will result in overlooking/loss of privacy.
3. The proposal will cause an unacceptable degree of noise and disturbance to adjoining residents.

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 general terms the re-use of this first floor space is to be encouraged, and as such complies with relevant Development Plan policies. The issue is whether the concerns raised by the objectors can be satisfactorily addressed by conditions to render the proposal acceptable.
- 6.2 The applicant's agent has provided further information to clarify the provision of access to the ground floor. This advises that a minimum width of 1 metre will be available. This would appear to satisfy the concerns raised in this respect.
- 6.3 Notwithstanding this, the Conservation Officer has requested further detailing of the staircase and lobby entrance. This detailing is not fundamental to the acceptance of the scheme and it is considered that further submissions can be satisfactorily addressed by condition.
- 6.4 Concerns relating to privacy and amenity have been raised in relation to two aspects of the scheme; the reinstatement of four windows in the north elevation and the staircase and lobby entrance.
- 6.5 In isolation, the windows would only require the benefit of listed building consent where there would be no consideration of amenity issues whatsoever. To object to their reinstatement completely would therefore appear unreasonable and it is recommended that conditions to require them to be obscure glazed and to limit the nature of opening casements would address privacy concerns in light of the proposed use.
- 6.6 The proposed point of access is the most discreet in terms of its impact on the character and appearance of the listed building. The only other possible location would be on the southern elevation and is far more prominent.
- 6.7 The proposed point of access will oppose a window serving residential accommodation above an adjoining shop. However, the scheme proposed is to build onto this boundary to ensure that no loss of privacy results. Issues relating to the potential for noise to be generated by patrons of the restaurant appear to be founded on similar problems encountered by the objectors in connection with the public house. The proposal appears to mitigate as much as is practicably possible in this respect and, whilst having some sympathy with the objectors in terms of the nuisance caused by existing uses, it is not considered that there are sufficient grounds to refuse the application on this basis.
- 6.8 The Environmental Health Officer has requested the imposition of a condition requiring details of ventilation prior to the commencement of the use. It is also recommended that opening hours are restricted to protect residential amenity.
- 6.9 The scheme is therefore considered to be acceptable and is accordingly recommended for approval.

RECOMMENDATION

NE05/1103/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 - C03 (External elevations) (External staircase and lobby entrance)

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

3 - C04 (Details of window sections)

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

4 - E10 (Use restricted to that specified in application) (A3)

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

5 - E19 (Obscure glazing to windows)(non opening and the extent of opening to be agreed in writing with the Local Planning Authority.)

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

6 - E04 (Restriction on hours of opening (restaurants and hot food takeaways))(12 noon and 11pm Sundays to Thursdays)(12 noon to 12 midnight Fridays and Saturdays).

Reason: To safeguard the amenities of the locality.

7 - F37 (Scheme of odour and fume control)

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

Informatives:

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

NE05/1104/L

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

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

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

2 - C03 (External elevations) (External staircase and lobby entrance)

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

3 - C04 (Details of window sections)

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

Informatives:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

15 DCNE2005/1357/F - EXTENSIONS TO PROVIDE FIRST FLOOR BEDROOMS (2NO.) AND SITTING ROOM, GROUND FLOOR GARDEN ROOM AND ENLARGED GARAGE AT MANTLEY, 21 HORSE LANE ORCHARD, LEDBURY, HEREFORDSHIRE.

For: Mr & Mrs M J Dobel per Harcourt Design Associates, The Old Bell, Harcourt Road, Mathon, Malvern, WR13 5PG

Date Received:

28th April 2005

Expiry Date:

23rd June 2005

Ward:

Ledbury

Grid Ref:

71337, 37519

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

1. Site Description and Proposal

- 1.1 Horse Lane Orchard is a residential area lying at the eastern edge of Ledbury and accessed directly from the A449, Malvern Road. It is a mix of single and two storey properties of varying architectural styles.
- 1.2 The application specifically relates to no. 21 Horse Lane Orchard. It is a three bedroomed detached bungalow with an attached flat roof garage. It has an approximate floor area (excluding the garage) of 100m² and a ridge height of 6.3 metres.
- 1.3 The proposal seeks to increase the living accommodation by increasing the ridge height of the dwelling and incorporating space at first floor level. The scheme also includes a cross wing over the garage, with its flank wall moving one metre closer to the boundary. A new single storey garden room is also proposed to the rear elevation.
- 1.4 The scheme has a ridge height of 8 metres with a much steeper roof pitch than the existing bungalow. The floor area will effectively be doubled through the addition of a first floor, although some habitable space will be lost due to the creation of greater circulation space and the inclusion of a staircase.
- 1.5 The application has been amended since its original submission. A balcony over the proposed garden room has been omitted to address privacy issues and a slight modification has been made to the roof of the cross wing.

2. Policies

Malvern Hills District Local Plan

Housing Policy 16 – Extensions

Herefordshire Unitary Development Plan – Revised Deposit Draft

H18 – Alterations and Extensions

3. Planning History

3.1 None identified.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objection.

4.3 Conservation Manager - No objection.

5. Representations

5.1 Ledbury Town Council - Recommend refusal. The proposal is considered to be out of keeping with the street scene and would also be detrimental to residential amenity, resulting in a loss of light.

5.2 In total 8 objectors have submitted representations in response to the application, both in its original and amended form following reconsultation. In summary the points raised are as follows:

1. The scheme will be detrimental to the residential amenity of immediate neighbours (nos. 20 and 22).
2. The proposal is dominant and out of character with the surrounding area.
3. An office is included and suggests a business use.
4. The applicant intends to create a hardstanding to the front of the property.
5. The building is capable of subdivision into two separate units.

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 its amended form the application omits a first floor balcony. It was your officer's opinion that this particular aspect of the scheme would cause significant overlooking and loss of privacy to adjoining dwellings. The proposal is generally orientated north/south with windows looking front and back, which is the same as other dwellings in the locality. The removal of the balcony is considered to remove concerns overlooking.

- 6.2 The surrounding area is predominantly characterised by bungalows, although the dwelling immediately to the east is a two-storey house. The proposal has the appearance of a dormer bungalow, with much of the first floor accommodation incorporated into the roof space. Whilst its appearance is clearly more substantial than that of other properties in the locality, its scale is not dissimilar to the adjoining two-storey dwelling.
- 6.3 The raising of the ridge height and creation of a first floor is an alternative method of extension to the more common approach of adding new elements to elevations. Horse Lane Orchard does not have an overriding architectural style; all of the properties have a degree of individuality. The proposal is of a design that is different from other properties, but given their relatively modern appearance, it is your officer's opinion that a refusal reason based on it being detrimental to the character and appearance of the area would be difficult to sustain.
- 6.4 Suggestions of a business use of the premises appear to be unfounded. The inclusion of a room described as an office does not infer such a use. The use of rooms within dwellings as an office or study is commonplace and is considered to be ancillary to their enjoyment.
- 6.5 The creation of a hardstanding to the front of the dwelling would be permitted development and it is considered unreasonable to remove these rights by condition, as it would not relate to the application.
- 6.6 Finally, the subdivision of the dwelling into separate units would, in itself, require the benefit of planning permission. The application does not suggest subdivision and is not to be determined on this basis.
- 6.7 It is therefore concluded that the proposal accords with the relevant development plan policies and 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 - E12 (No balconies/roof amenity area)

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

5 - E19 (Obscure glazing to windows)

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

Informatives:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

16 DCNE2005/1515/F - PROPOSED ERECTION OF DETACHED DWELLING AND FORMATION OF A NEW VEHICULAR ACCESS AT LAND ADJACENT TO GREENBANK, THE COMMON, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1LU

For: Mr & Mrs Adams per Border Oak Design & Construction, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF

Date Received:

6th May 2005

Ward:

Hope End

Grid Ref:

71160, 40375

Expiry Date:

1st July 2005

Local Members: Councillor R Stockton & Councillor R Mills

1. Site Description and Proposal

- 1.1 The application site consists of a small area of permanent pasture in steeply sloping ground to the west of the property known as Greenbank, located centrally within Wellington Heath. It is bounded to the north by a narrow lane known as Oakeys Lane and this offers pedestrian access only. An open meadow lies to the south and this is outside of the Settlement Boundary, however, the site itself falls within.
- 1.2 Wellington Heath is characterised by random pattern of development with no dominant architectural style prevailing. Two dwellings bound Oakeys Lane, the closest being approximately 30 metres away, occupying a significantly elevated position in relation to the site. Other dwellings lie to the south east, some 40 metres away and are significantly lower.
- 1.3 The proposal is for the erection of a single dwelling. The plans show a 1 and a half storey timber framed cottage, incorporating features such as dormer windows and an external chimney stack. The panelling is to be finished with a lime based render, built off a reclaimed brick plinth and under a reclaimed clay tile roof. A secondary element of the dwelling is to be faced with weatherboards.
- 1.4 The plans show a three bed dwelling with a study and utility room. It has a floor area of approximately 130m² and a maximum ridge height of 6.9 metres. It is orientated in a north-west/south-east position with a new vehicular access proposed to the south of the site.

2. Policies

Hereford and Worcester County Structure Plan

H16A – Housing in Rural Areas

CTC1 – Areas of Outstanding Natural Beauty

Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Landscape Policy 2 – Areas of Outstanding Natural Beauty

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H6 – Housing in Smaller Settlements
LA1 – Areas of Outstanding Natural Beauty
LA2 – Landscape Areas and Areas Least Resilient to Change

3. Planning History

None identified.

4. Consultation SummaryStatutory Consultations

- 4.1 Severn Trent Water - no objection subject to condition.

Internal Council Advice

- 4.2 Transportation Manager - no objection subject to conditions.
- 4.3 Landscape Officer comments as follows: 'I object in principle to this development because it would entail the loss of a small plot of pasture. This would be detrimental to the landscape character of Wellington Heath as small plots of pasture, particularly on the steeper valley sides, are a key element of the settlement pattern of Forest Smallholdings and Dwellings. many small plots of rough land or pasture have already been developed within Wellington Heath. Infilling this plot would increase the urbanisation of Wellington Heath, and this would also threaten the landscape character of this area. This development would thus conflict with Policy LA2: Landscape character and Areas Least Resilient to Change, in the Herefordshire Unitary Development Plan (Draft 2002). This policy states that: *'Proposals for new development that would adversely affect either the overall character of the landscape, as defined by the Landscape Character Assessment and the Historic Landscape Characterisation or its key attributes or features, will not be permitted.'* I am also concerned that extensive earthworks would be required in order to construct a house and a new access on steeply sloping ground. Such earthworks would be visually intrusive.'
- 4.4 Public Rights of Way Officer - The proposed development would not appear to affect public footpath WH21. The applicants should ensure that they hold lawful authority to drive over the public footpath.

5. Representations

- 5.1 Wellington Heath Parish Council object to the application on the following grounds:

- a) The sewerage system has not been upgraded and cannot cope with further dwellings.
- b) The proposed dwelling is too big on a prominently open site.
- c) The scheme would cause overlooking and a loss of residential amenity to neighbouring dwellings.
- d) Overdevelopment within the Area of Outstanding Natural Beauty.
- e) Inadequate vehicular access over a public footpath.
- f) Loss of garden area.

5.2 Two letters of objection have been received from:

J R Coggins, Bankside, Wellington Heath
Mrs M Andrews, Neida, The Common, Wellington Heath

In summary the points raised are as follows:

- a) Will add to strain on local services; particularly the sewerage system.
- b) The site is prominent and the proposal will be detrimental to the Area of Outstanding Natural Beauty.
- c) Detrimental to the amenity of the footpath.
- d) The scheme will set a precedent for more development in the locality.
- e) Detrimental to residential amenity. The dwelling should be re-sited.

5.3 One letter of support has been submitted by Mr & Mrs Jardine, Heligan, The Common, Wellington Heath. In summary the points raised are as follows:

- a) The house is well designed and will enhance the local environment.
- b) Careful consideration has been given to issues such as drainage and access.
- c) Will not set a precedent as adjoining land is beyond the building line.

5.4 The applicants have also submitted a supporting statement, which makes the following points:

- a) The design sits comfortably in its surroundings and adds to the architectural merit of the area.
- b) The dwelling has been orientated so that the elevation facing Bankside has no windows. It is also angled so as not to look straight at Greenbank.
- c) Designed to address problems of surface water run off including a permeable terrace and drive.

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 Under the adopted Malvern Hills District Local Plan, the site falls within the villages settlement boundary where the principle of development is considered to be acceptable subject to other material planning considerations. Two areas of land have been purposely omitted from the settlement boundary and the local plan advise that this is to protect open spaces in the village and its attractive valley setting.

- 6.2 The comments of the Landscape Officer are acknowledged. However, it is considered that it would be unreasonable to refuse the application in order to protect open space when other areas have been deliberately omitted from the settlement boundary to maintain the open character of the immediate locality. It is therefore your officer's opinion that a reason for refusal could not be substantiated on these grounds.
- 6.3 As noted earlier, the site occupies a position on steeply sloping land. There are significant changes in levels from north-west to south-east in particular. The proposal if approved, will have to be set into the land and a condition requiring the submission of finished floor levels would be recommended.
- 6.4 Concerns regarding overlooking and loss of privacy have been expressed by two neighbours. The proposal is well spaced from other dwellings not controlled by the applicant with such significant changes in levels; at least 3-4 metres higher to the north-west and the same but lower to the south-east, it is not considered that any demonstrable overlooking will occur. The scheme will not be detrimental to adjacent residential amenity and it accords with local plan policy in this respect.
- 6.5 The proposed dwelling has a total floor area of approximately 130m². Its scale and proportion is less than some of those in the closest proximity. In an area of mixed architectural styles, the use of a timber framed structure is not inappropriate and will sit comfortably within its surroundings. The proposal is considered to be acceptable in terms of its scale, design and proportion and accords with policy in this respect.
- 6.6 A consultation response from Severn Trent Water raises no objection to the proposal subject to a condition requiring details of surface and foul water disposal. The application advises that the dwelling is to be linked to the mains sewer and indicates an intention to use permeable surfaces to reduce run off. Subject to further details, that can be suitably conditioned, this aspect of the proposal is also considered to be acceptable.
- 6.7 Access provision the site is considered to be acceptable subject to conditions and the Public Rights of Way Manager has not objected to the scheme. An unacceptable increase in road traffic and consequent impact on the road network would be difficult to substantiate as a refusal reason for a single dwelling, particularly given the villages current status as a defined settlement.
- 6.8 A small area of garden currently belonging to Greenbank is to provide access, but this does not compromise its available garden area as a whole as it still remains in a reasonable sized curtilage.
- 6.9 In conclusion the scheme is well designed and will not have a demonstrable detrimental impact on the surrounding area, either in terms of residential amenity, or in the wider context of the surrounding Area of Outstanding Natural Beauty. It is therefore accords with adopted development plan policies and the application is consequently recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - A06 (Development in accordance with approved plans)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F20 (Scheme of surface water drainage)

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

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

Reason: In the interests of highway safety.

11 - H05 (Access gates)(5 metres)

Reason: In the interests of highway safety.

12 - H09 (Driveway gradient)

Reason: In the interests of highway safety.

Informatives:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

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

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

Date Received:

14th June 2004

Expiry Date:

9th August 2004

Local Member: Councillors R Burke and J P Thomas

Ward:

Leominster South

Grid Ref:

48339, 58608

Introduction

This application was deferred at the Sub-Committee on 18 May 2005 for further discussion with the applicant to ascertain the possibility of alternative community provision being made. The applicant has responded:

"We consider firstly, it is necessary to clarify that the former crèche facility now forms part of an enlarged café area within the store and does not provide additional retail area as stated in paragraph 5.2 of the committee report.

*The former Safeway store crèche provided temporary child care facilities to customers **only** and only for the duration of their shopping visit. The crèche did not provide a facility to the wider community and we do not consider that the former private crèche can be classified as a community facility.*

The reason for the relevant planning condition (97/0953/N condition 3) is to define the planning permission. The planning permission makes no reference to community facilities.

The store is now operated by Wm. Morrisons and has recently been refurbished to reflect the operational requirements of Wm Morrisons. The standard internal layout of a Wm Morrison store does not include a crèche facility.

We share your misgivings that the retention of the sub-post office can be achieved through the planning system and we do not consider that it is reasonable for your authority to request that our client provides community as part of this planning application and we do not consider that any such condition would meet the requirements of Circular 1/97."

1. Site Description and Proposal

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

1.2 This application proposes the removal of conditions:

Condition 5 of planning permission 90 0852:

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

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

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

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

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

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

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

2.2 Hereford and Worcester County Structure Plan

S3 – Retail development outside town centres

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

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

3. Planning History

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

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

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

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

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

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

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

5.2 The applicant has said:

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

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

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

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

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

6. Officers Appraisal

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

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

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

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

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

- 6.5 The application also seeks retrospective permission for that part of the store used as a crèche to café. The crèche was provided for use by customers to the store only and not to provide a wider community need. Notwithstanding the reason for the deferral of this application at the May meeting of the Sub-Committee Officers do not consider it appropriate to require the applicant to provide alternative community facility. Such a requirement would not meet the 6 tests for conditions as set out in Circular 11/95: The Use of Conditions in Planning Permissions. The test requires that conditions should be:

- Relevant to planning;
- Necessary;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

6.6 In considering whether a particular condition meets these requirements, the Council as Local Planning Authority, would need to ask whether planning permission would have been refused if that condition were not imposed. In this particular case the reason given to limiting the use of the crèche for that purpose only was to define the permission.

6.7 In view of the above your Officers consider that it would be unreasonable to require the applicant to provide any community facility by way of this application.

RECOMMENDATION

That planning permission be granted subject to the following condition:

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

Reason: In order to define the permission.

Informative:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

18A DCNC2004/3030/F - DEMOLITION OF A SINGLE DWELLING AND THE ERECTION OF 5 NO. DWELLINGS AT 25 NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DR

18B DCNC2004/2831/C – DEMOLITION OF SINGLE DWELLING

For: Mrs S Sage at same address

Date Received:
16th August 2004

Ward:
Leominster South

Grid Ref:
49467, 59151

Expiry Date:
11th October 2004

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

- 1.1 The site is located on the south-east side of the junctions of New Street, Rainbow Street and Cursneh Road, and is occupied by an unprepossessing dwelling, circa 1950.
- 1.2 The site is located in the central shopping and commercial area of Leominster, as shown on Inset Map No. 1: Leominster in the Leominster District Local Plan. It is also within the Leominster Conservation Area. Lion Yard development is adjacent and housing is to the rear and opposite.
- 1.3 This application proposes the replacement of 25 New Street with a terrace of 5 dwellings that will be positioned at the back of pavement and following the curvature of the road. Parking for 3 vehicles is also proposed.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A1 – Managing the district's assets and resources
 A2 – Settlement hierarchy
 A21 – Development within Conservation Areas
 A24 – Scale and character of development
 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
 CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- HBA6 – New development within Conservation Areas
- H2 – Hereford and the market towns: housing land allocations
- H14 – Re-using previously developed land and buildings
- H15 – Density
- H16 – Car parking

**2.4 PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment****3. Planning History**

3.1 None.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No comment received on amended plan.

4.3 Conservation Manager: No in principle objection.

5. Representations

5.1 Leominster Town Council: 'Recommends refusal as it is considered overdevelopment of the site, it is felt that the access is inadequate for the potential number of vehicles and is considered out of character with other buildings in the Conservation Area.'

5.2 Letters of objection have been received from:

E and C Cooper, 12 Rainbow Street, Leominster
Miss S Walter, 14 Rainbow Street, Leominster
Leominster Properties Ltd, 17 Broad Street, Leominster

- a) Inadequate parking provision.
- b) The A44 cannot take any further development.
- c) I will be overlooked.
- d) The house will be too close to my dwelling.
- e) It is an overdevelopment of the site.
- f) It will be unsympathetic development in a Conservation Area.

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 Although the site is located within a commercial and shopping area, as shown in the Leominster District Local Plan, the area is characterised by a mix of residential housing. There is no in principle objection to the redevelopment of this site.

- 6.2 The site is located on a strategic corner where several streets converge. The site is important in townscape terms as well as its contribution to the Leominster Conservation Area. The existing dwelling is located in the middle of the site and is of a style, which does not, in the opinion of your officers, relate to its surroundings.
- 6.3 The proposal has been amended in terms of design and layout so that the siting of the dwellings follows the curvature of the adjacent road, and becoming a focus at the road junctions. The proposal is considered to make positive contribution to the character of the Conservation Area, and is similar in design to approvals on the adjoining site. The proposal is of a scale that does not dominate the locality. It is also considered that the positioning of the dwellings at the back of the adjoining pavement provides sufficient distance between the development and neighbouring houses so as not to give rise to loss of residential amenity.
- 6.4 The site is located close to the centre of Leominster in a position where car-free development would be considered acceptable. However, this application proposes to provide parking for 3 vehicles. While this is well below the recommended standards for parking provision to developments of this type, a minimum of 10 spaces is required, there is car parking available nearby and the reduced standard is considered acceptable. The site is also assessable to public transport securing the Government's emphasis on securing sustainable environments.

RECOMMENDATION

NC2005/3030/F

That planning permission be granted subject to the following conditions:

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

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

- 2 - A09 (Amended plans) (5 May 2005)**

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

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

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

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

- 6 – C14 (Signing of contract before demolition)**

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

7 – E16 (Removal of permitted development rights)

Reason: In order to control future development in the interest of maintaining the character and appearance of the Conservation Area.

Informative:

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

Decision:

Notes:

.....

NC2005/2831/C

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

1 – C01 (Time limit for commencement)

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

2 – C14 (Signing of contract before demolition)

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

19 DCNC2005/1316/F - EXTENSION TO PROVIDE FIRST FLOOR ACCOMMODATION AND EXTENSION OF UTILITY ROOM AT 22 LOWER THORN, BROMYARD, HEREFORDSHIRE, HR7 4AZ

For: Mr N Smillie per Mr R Burraston Foxhall Bringsty Common Worcester WR6 5UN

Date Received:

22nd April 2005

Expiry Date:

17th June 2005

Local Member: Councillors P Dauncey and B Hunt

Ward:

Bromyard

Grid Ref:

64558, 54455

1. Site Description and Proposal

1.1 22 Lower Thorn, a detached bungalow, is on the west side of the small cul-de-sac development. Nos. 329-333 Winslow Road are to the rear. The site is located in a primarily residential area as shown on Inset Map No. 13.0 Bromyard in the Malvern Hills District Local Plan.

1.2 This application proposes to raise the height of the bungalow by some 2.6m so as to provide 2 additional bedrooms, landing, study and bathroom in the roof space. Dormer windows are proposed to the front and rear.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 16 - Extensions

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and Extensions

2.3 PPS1 – Delivering Sustainable Development

3. Planning History

NC2003/3712/F - Extension to provide first floor accommodation within roof. Approved 10.2.2004.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Bromyard & Winslow Town Council: Supports the application.

5.2 Letters of objection have been received from:

Mr A Trigg, 333 Winslow Road, Bromyard
C E Marsden, 20 Lower Thorn, Bromyard

- a) Will cause direct overlooking.
- b) It will take away our view of the downs.

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 16 deals specifically with alterations and extensions to dwellings, setting a criterion for consideration; impact on neighbour, scale and character on the original building.

6.2 This application proposes to raise the height of the bungalow to provide additional living space. Dormer windows are proposed to the front and rear. The dormer windows proposed in the rear elevation have the potential of direct overlooking of the houses that run along the rear of the site, 329-323 Winslow Road. In order to achieve an acceptable level of privacy and visual separation between dwellings, a distance of 21m is recommended. This distance is currently available. Accordingly it is considered the proposed will not give rise to loss of residential amenity through overlooking of the dwellings in Winslow Road.

6.3 This part of Bromyard is characterised by a mix of bungalow's, chalet style bungalow's and houses. While, this proposal will raise the height of the bungalow it will be no higher than the chalet style bungalow adjacent to 20 Lower Thorn. Accordingly, It is not considered the proposal will have a detrimental impact on the character of this part of Bromyard.

6.4 Accordingly, it is considered the proposal is acceptable in terms of Housing Policy 16.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B02 (Matching external materials (extension))

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

Informative:

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

20 DCNC2005/1372/F - ALTERATIONS AND EXTENSION TO CLUB HOUSE, PROPOSED HOLIDAY LODGES, NEW GROUNDSMAN'S SHED AND NEW TREATMENT PLANT AT BROCKINGTON GOLF CLUB, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HX

**For: Brockington Hall Golf Club per Barton Hasker Ltd
1620-1622 High Street Knowle Solihull West Midlands
B93 0JU**

Date Received:

29th April 2005

Expiry Date:

24th June 2005

Local Member: Councillor K Grumbley

Ward:

Hampton Court

Grid Ref:

54648, 51150

AJ/CR

1. Site Description and Proposal

- 1.1 The site is located on the A417 road between Leominster and Gloucester and near the village of Bodenham, outside the settlement boundary.
- 1.2 This application proposes alterations and extensions to the clubhouse and, in addition, the building of holiday lodges, a treatment plant and a new groundsman's shed.
- 1.3 The full extent of the application site measures 11.6 hectares, whilst the existing clubhouse has a floor area of 103.2 square metres. The proposed Groundsman's Hut measures 111.1 square metres, and the extended Club House as proposed (including Conservatory, stairwell and both floors) would measure 563.02 square metres. The log cabins element of the proposal measures 1197.6m² making a combined total of 1871.72m² of additional floor space for the proposed development.

2. Policies

2.1 Leominster District Local Plan (Herefordshire):

- A.1 – Managing the District's Assets and Resources
- A.2 – Settlement Hierarchy
- A.9 – Safeguarding the Rural Landscape
- A.24 – Scale and Character of Development
- A.25 – Protection of Open Areas or Green Spaces
- A.35 – Rural Employment and Economic Development
- A.38 – Rural Tourism and Recreational Activities
- A.39 – Holiday Chalet, Caravan and Camping Site
- A.53 – Protection from Encroachment into the Countryside
- A.61 – Community, Social and Recreational Facilities

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft) Statement Policies:

- S1 – Sustainable Development
- S2 – Development Requirements
- S4 – Employment
- S11 – Community Facilities and services
- H7 – Housing in the Countryside Outside Settlements
- H16 – Car Parking
- E11 – Employment in the Countryside
- E6 – Expansion of Existing Buildings
- T11 – Parking Provision
- RST11 – Golf Courses
- RST12 – Visitor Accommodation
- RST13 – Rural and Farm Tourism Development
- RST14 – Static Caravans, Chalets, Camping and Touring Caravan Sites
- CF5 – New Community Facilities
- CF6 – Retention of Existing Facilities

2.3 Planning Policy Statements:

- PPS1 – Delivering Sustainable Development
- PPS7 – Sustainable Development in Rural Areas
- PPG13 – Transport

3. Planning History

- 3.1 NC04/3367/F – Similar application. Withdrawn 2.10.2004

4. Consultation Summary**Statutory Consultations**

- 4.1 Environment Agency: No objection subject to conditions.

Internal Council Advice

- 4.2 Transport Manager: No objections subject to conditions:
- 4.3 Environmental Health: No comment.
- 4.4 Drainage Engineer: Recommend conditions with any approval that may be given to limit the total rate of discharge to that of Greenfield runoff in order that conditions will not be exacerbated. Suggests that Building Control would be able to advise on the suitability of the package treatment plant, and the Environment Agency should be consulted on the water quality of the final discharge.
- 4.5 Minerals and Waste Manager: No objection.
- 4.6 Tourism Officer.: “ The existing golf club and cafe, which is open to non members, is already proving successful in drawing in visitors. The position of the club on the A417, which is a major route into the County, means that it is very well placed to attract passing trade as well as specific visitors. It can also serve as a 'gateway', providing visitor information to its customers.

There is also increasing interest in golf and golfing breaks, and the club will need to improve its facilities to be successful in this market.

The tourism unit is always keen to encourage successful businesses to expand and enhance their facilities - their experience stands them in good stead, and we are strongly committed to the principle of improving standards and encouraging development in tourism businesses.

The proposed development would allow the owners to build on their existing success by providing enhanced facilities for golfers as well as accommodation and catering for visitors, and for the local community. This area of work has already generated additional customers and employment, indicating a market for the facilities the owners wish to offer should the development go ahead. The rustic cabins coupled with golfing short breaks are sufficiently different from the bed & breakfast establishments in the area that they complement rather than compete with the local accommodation provision."

4.7 Conservation Manager: landscaping response : no objection.

5. Representations

5.1 Parish Council: The Parish Council advises:

"Recently issued HALC guidance for Parish Councils says that the first consideration must be whether an application conforms to Development Plan policies.

All of site lies outside Bodenham Development Boundary. There are 3 distinct parts to the application:

- Changes to Club House and New Groundsmans Shed
- Holiday Chalets
- System for sewerage disposal

Club House & Groundsmans Shed

Proposals are largely in line with UDP Policy S8 (p211) which encourages enhanced facilities at existing sport venues & RST11 (p226) dealing with golf courses which states that "new buildings will only be permitted where they are essential and ancillary to the operation of the course". However, in the light of the close proximity and fragile financial position of the Parish Hall I believe that any consent for this first part of the proposal should be conditioned to ensure that the club house function room is solely used in connection with, and ancillary to the on-site golfing activity. I can understand the need for close managerial control over the Club but cannot support the proposal to incorporate a manager's flat above the club house. The provision of new residential accommodation at this location does not appear to comply with LP Policy A.2(d) & UDP Policy H10 (p85) rural exceptions policy covering residential accommodation outside the settlement boundary. It is not explained why the manager needs to reside on-site & why he/she cannot be accommodated in the newly refurbished Brockington Hall or in the new granny flat annex which was given consent on 27 April 2004. I'm not aware of any other County golf club manager who has on-site accommodation and certainly not at a 9 hole venue.

Holiday Chalets

The proposal for five holiday chalets appears to conflict with UDP Policy RST12 (p227) – Visitor Accommodation – which states “outside of identified settlements, the provision of permanent serviced or self-catering accommodation...will only be permitted if it consists of the re-use or adaption of a rural building”. As mentioned the whole site lies outside the settlement boundary and it’s made clear at para 10.6.3 (p227) that “there is no special reason to apply less demanding policies for new build visitor accommodation than to other types of development in the countryside”.

UDP Policy E10 (p109) suggests a presumption in favour of employment generating proposals where such proposals can be clearly related to the employment needs of the local economy. The applicant’s agent states provision of the 5 chalets will provide work for approx. 4 staff, and secure the existing four staff. It would seem that this is a very generous level of staffing to service 5 chalets. I would mention that, according to the latest Herefordshire Quarterly Economic Report’ Hampton Court Ward has one of the lowest levels of unemployment in the county and this will be confirmed by anyone who attempted to secure the services of cleaning staff in Bodenham.

Sewerage Disposal

It is understood that part of the site lies within a zone 3 flood risk area and in these circumstances UDP Policy DR7 (p46) requires that applications can be accompanied by a flood risk assessment. It also states that *proposals will need to demonstrate through a sequential test that there are no reasonable alternative locations available on land of a lower flood risk*. It does not appear that this requirement has been satisfied. The Environment Agency objected to previous planning application (DCNC2004/3367/F). Although I am not aware that a change-of-use application has been submitted in respect of Brockington Hall it is apparent that the recent creation of six visitors’ bedrooms will generate considerably increased waste volumes and I believe that the Local Planning Authority need to be alerted to ensure that this aspect is fully considered, particularly so in view of the recent history of serious flooding when the Millbrook burst its banks in April 1998. I believe that Parish Council should be seeking reassurance from the Local Planning Authority that they conduct a most rigorous assessment of the proposed method of sewerage disposal and ensure that any planning permission is conditional on the grant of a Environment Agency consent to discharge into Millbrook.

I propose that all of the above-mentioned comments should be incorporated in the Parish Council’s response.

- 5.2 The responses to the statutory advertisement procedure are as follows:
- 1 objection: Mrs Betty Tilford, Woodside, Bowley Lane, Bodenham, HR1 3LF. The letter includes concerns with detrimental impact on the viability of the village hall and the consequences of discharge of treated foul waste into Millbrook which she states flooded in recent history.
 - 8 supportive from :
 - M.A. Porter, Hilldene, Dog Kennel Lane, Bucknell, Shropshire
 - Jane Lewis, Cultural Services Manager (Interim), Policy & Community Section, Herefordshire Council
 - Mr P Boughey (Treasurer), Rose Cottage, Edwyn Ralph

Janet Parker, Ladies Captain, Brockington Hall Golf Club
David Lloyd, Apple Barn, Townsend Farm, Stretton Grandison
A N Shave, 20 Sedgefield Road, Hereford
T Allwood, Lower Vern, Marden, Hereford
R V Hooper, No. 1 The Mews, Kington Court, Victoria Road, Kington

- 5.3 The applicant advises why the proposal is appropriate in their Brockington Golf Club Redevelopment Business Plan (received on June 24th 2005) which explains the past history of the site and the background the application proposal.

This Plan indicates that local competition already has adequate facilities and some local courses also have on-site accommodation.

The applicant claims that this proposal will greatly enhance the locality – in the provision of both community and county /national facilities.

- 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 elements of this application are as follows:

1. Alteration and extension to the clubhouse
2. Provision of holiday lodges in the open countryside
3. New Grounds man's shed
4. New treatment plant

- 6.2 The main issues arising from this application are as follows:

1. New build in the open countryside
2. Sustainability of the development
3. Transportation
4. Drainage aspects
5. Tourism provision

- 6.3 The application site lies alongside the A417 is outside the settlement boundary for Bodenham and as such lies within the open countryside in a policy context.

New build in the open countryside

- 6.4 There are serious reservations with regards to the enlargement and extension of the clubhouse especially the inclusion of accommodation of a permanent nature within this for a staff member: a point also noted by the Parish Council - a planning consideration which is also a reason for objection, being contrary to the UDP policy H7 and Leominster District Local Plan policy A2(d).
- 6.5 A recent appeal ruling held that "In some cases 'club houses' or 'pavilions' may be proposed which may add to any visual intrusion objections. In a similar case in South Pembrokeshire a pavilion at a target golf/nine hole course was proposed including a coffee lounge, refreshment area, function room and an indoor skittle alley. An inspector felt that such facilities went far beyond what was necessary for such a development and would be akin to a highly active commercial business. The

intensive nature of the proposal was out of character with the peaceful atmosphere of a quiet rural area.”

- 6.6 It is considered that the material planning considerations are not sufficient to override local or national planning policy.
- 6.7 In addition the application Business Plan claims that the Club café is advertised and used as a public café. There is no planning permission for this and the applicant is reminded of the need to regularise this situation at their earliest convenience. Licensing has been requested to advise as to the current status of the Club Licence. This advice is pending.
- 6.8 This application proposes facilities that are considered inappropriate by reason of scale, siting and location in the open countryside and thereby would be contrary to Leominster District Local Plan Policies A1, A2, A36, A38 and A60, also to Herefordshire Unitary Development Plan (RDD) Policy H7 and also to Planning Policy Statement 7.
- 6.9 The proposed holiday lodges would also be new buildings in the open countryside and as such would be required to comply with Policy A.9 of the Leominster District Local Plan in respect of their visual impact on the landscape quality of the site and surroundings. In addition Policy A36 states that employment generating enterprises wishing to locate in existing rural buildings will be permitted where conversion doesn't lead to dispersed activities on such a scale as to prejudice town and village vitality.
- 6.10 The proposal fails these policy tests in that it is considered inappropriate by reason of its scale and design and is thereby contrary to the Local Plan Policies A1, A35 and A38.
- 6.11 The Grounds man's shed and a new treatment plant are acceptable in principle, though the Parish comments on the treatment plant is noted.

Sustainability of the Development

- 6.12 Policies A1 and A38 of the Local Plan and PPS1, PPS7 require the proposal to be sustainable. The proposal's Redevelopment Business Plan explains the past history of the business and the challenges that the current owners now face. The Plan also describes the applicants hopes and aspirations but does not substantiate a clear planning case to prove the sustainability of the proposal as a whole and in the absence of this evidence the proposal is clearly contrary to these policies.

Transportation

- 6.13 The Head of Transportation has no objection subject to conditions to this application. There are no additional transportation implications for this proposal.

Drainage aspects

- 6.14 The Environment Agency has withdrawn the objection given to the previous application for this proposal subject to a number of conditions thus removing any drainage objections to the proposal. One respondent and the Parish Council make objections to this aspect of the proposal, however the Environment Agencies' response clarifies that these objections cannot be substantiated (subject to conditions).

Tourism

6.15 Tourism has responded with an email noting their support for the proposal and belief that this compliments rather than competes with existing facilities. The Business Development Brief within the application, notes the relevance of tourism to the area and to this proposal. In the Officers opinion, Tourism support is helpful but is not considered sufficiently robust to overcome the policy objections to new buildings in the open countryside.

Summary

- 6.16 To conclude, the proposal represents a considerable investment and expansion of the site in the open countryside.
- 6.17 In support of this proposal there is a number of plans, a Business Development Plan, support from Tourism and one letter of support.
- 6.18 However the Business Plan fails to prove the sustainability and viability of the proposal, in addition the café has permission only for Club members use.
- 6.19 The Parish Council and one resident object to the proposal. In addition, by reason of its scale, siting, and location the proposal is contrary to Leominster District Local Plan Policies and also to Planning Policy Statements 1and 7.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 - This proposal for rural tourism enterprise is considered inappropriate by reason of its scale and design. Furthermore there is an absence of evidence to prove the viability and sustainability of the proposal and is contrary to Leominster Local District Plan (Herefordshire) Policies A1, A2(d) A35, A38 and A39 and the Herefordshire UDP (RDD) S1, and E11 and thereby also contrary to PPS1.**
- 2. The proposal to enlarge the Club House and add permanent staff accomodation is considered inappropriate by reason of its scale, siting and location in the open countryside and would be contrary to Leominster District Local Plan Policies A2 and A60 and Herefordshire UDP (RDD) Policy H7, and also contrary to Planning Policy Statement 7.**
- 3. It is considered that the proposal would be contrary to the Leominster District Local Plan Policies A2 and A24, and Herefordshire Unitary Development (Revised Deposit Draft) Policy H7, in that the development would be detrimental to the visual amenity of the area.**

Decision:

Notes:

.....

Further information on the subject of this report is available from Mrs A Jahn on 01432 261560

Background Papers

Internal departmental consultation replies.

21 DCNC2005/1728/F - CHANGE OF USE OF SHOWROOM TO VETERINARY SURGERY AND STAFF LIVING QUARTERS AT LYNDEN GARAGE, KINGS ARMS YARD, BROMYARD, HEREFORDSHIRE, HR7 4EE

For: Fatydam Ltd, 63 Bromyard Road, Worcester, WR2 5BZ

Date Received:

23rd May 2005

Expiry Date:

18th July 2005

Local Member: Councillors P Dauncey and B Hunt

Ward:

Bromyard

Grid Ref:

65330, 54694

DT/CR

1. Site Description and Proposal

1.1 Lynden Garage, the former Bishops car showroom, is located in Kings Arms Yard, in the principal shopping and commercial area of Bromyard as shown on Inset Map No: 13.1 Bromyard in the Malvern Hills District Local Plan, and within the Bromyard Conservation Area.

1.2 This application proposes the reuse of the building to provide a veterinary surgery ground floor accommodating two consulting rooms, laboratory, reception area/dispensary, waiting room, nurses room, preparation room, operation theatre, kennel room, radiography and clinical waste areas. A first floor is also proposed which will accommodate a 2 bedroomed flat. A conference room for use by the veterinary surgery is also proposed to be accommodated on the first floor. Parking for 7 vehicles are proposed to the front of the building.

2. Policies

2.1 Malvern Hills District Local Plan

Conservation Policy 2 – New Development in Conservation Areas

Conservation Policy 11 – The Setting of Listed Buildings

Shopping Policy 2 – Principal Shopping and Commercial Areas

Shopping Policy 3 – Restrictions on Development Within the Principal Shopping and Commercial Areas

Employment Policy 3 – Small Scale Enterprises

2.2 Hereford and Worcester County Structure Plan

CTC7 - Development and Features of Historic and Architectural Importance

CTC9 - Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

HBA6 – New Development within Conservation Areas

TCR1 – Central Shopping and Commercial Areas

TCR2 – Vitality and Viability

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

3. Planning History

MH81/0028 - Car showroom approved 4th February 1981

N98/0545/N - Change of use to community volunteer centre approved 11th November 1998

NC2002/2725/F - Change of use for car showroom to 4 units for B1, B8 and A1 uses approved 14th November 2002.

NC2004/3802/F - Replacement of car showroom for 4 dwellings withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Traffic Manager - no objection
4.3 Conservation Manager - no in principal objection

5. Representations

- 5.1 Bromyard and Winslow Town Council - No reply at time of report
5.2 Letter of objection receive from L.C. Lock, 8 New Road, Bromyard.

(a) Increase in the volume of traffic.

(b) The cars parked on both sides of New Road and both sides of the entrance drive in light might cause congestion.

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

6. Officers Appraisal

- 6.1 The site is a vacant red brick built car showroom with three large windows and roller-shutter doors door access, on the north side of The Kings Arms yard. The site is located in principal shopping and commercial area as shown on Inset Map Number 13.1 in the Malvern Hills District Local Plan. It is also located in the Bromyard conservation area.

- 6.2 Residential development and commercial use adjoin the site. There is an animal feed shop/store operating from a portable building adjacent. The site is accessed off Old Road and New Road. While, mention is made that parked vehicles in New Road congest the entrance to the site, the adjoining public highway is not subject to no parking restrictions, and the entrance into the site is over private land where the landowner is able to control vehicle parking. Notwithstanding the concerns raised over parking congestion the Traffic Manager does not consider the parked vehicles compromises matters of highway safety and accordingly has no objection to the proposal.
- 6.3 The car showroom has not been used for any alternative use since its closure and therefore remains available for this use. Employment Policy 3 deals specifically with proposals for small scale enterprises and sets the criteria against which they should be considered; safe vehicle access and adequate car parking is available, traffic generated is compatible with sustainable development and can be accommodated on the local road network without undue significant affects, the proposal would not cause harm to the amenity of adjacent properties and adequate services exist. Given the site is located in the Bromyard Conservation area the impact of the proposal on the character and appearance of the area needs consideration. This part of Bromyard is made characterised by a variety of architectural styles and uses, with the site being enclosed by housing, shops, public house and café. In view of this level of diverse activity it is considered the use of the building as a veterinary surgery is acceptable. In order to bring the building into alternative use will require internal alteration and insertion of windows. These alterations are not likely to cause harm to the character or appearance of this part of the Bromyard conservation area. Accordingly, the Conservation Manager has no objection.

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) (received and date stamped 23 May 2005)**

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

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

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

Informative:

- 1. N15 - Reason for the grant of planning permission**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

22 DCNC2005/1800/F - ALTERATIONS AND AMENDMENTS TO PREVIOUS PLANNING APPROVAL NC2004/2934/F AT 4 MAPPENORS LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8TG

For: Mr S Perry at same address

Date Received:

27th May 2005

Expiry Date:

22nd July 2005

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

Ward:

Leominster North

Grid Ref:

48986, 59207

DT/CR

1. Site Description and Proposal

- 1.1 Detached house on the south side of Mappenors Lane, just to the east of its junction with The Rugg. It is located within a primarily residential area as shown in the Leominster District Local Plan (Herefordshire).
- 1.2 This application proposes an amendment to planning permission DCNC2004/2934/F which was to demolish and replace a garage with a two-storey extension providing garage, utility and WC on the ground floor with bedroom and en suite bathroom above. A single storey conservatory with half-hipped roof was also proposed to the rear of the building. The amendments included in this application propose a window to the entrance hall, planted timber to the side elevation so as to match the front elevation and alterations to the roof of the conservatory extension with a full gabled roof that will be roofed in tiles to match the house.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A.1 – Managing the Districts Assets and Resources
 A.2 – Settlement Hierarchy
 A.25 – Scale and Character of the Development
 A.54 – Protection of Residential Amenity
 A.56 – Alterations, Extensions and Improvements to Dwellings

2.2 Hereford and Worcester County Structure Plan

CTC9 – Development Criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H18 – Alterations and Extensions

2.4 PPS1 – Delivering Sustainable Development

3. Planning History

DCNC2004/2934/F - Extension and conservatory Approved 1st December 2004.

4. Consultation SummaryStatutory Consultations

No Statutory Consultations required

Internal Council Advice

Traffic Manager - no objection

5. Representations

5.1 Leominster Town Council recommend approval.

5.2 Letter of objection has been received from Mr. K.A. Ryan, 6 Mappenors Lane, Leominster:

(a) I originally objected to the proposal for a two-storey extension and conservatory on the grounds that the whole structure will be cramped on its plot and overshadowing and overbearing on my property. Since building work has commenced this has proven to be the case.

(b) To allow the alterations in roofing material and design to be changed from glass to tile is completely unnecessary, this will create further overshadowing of my property and garden and will lead to severe lost of light to my dining room, this is a habitable room.

(c) The proposal is contrary to policies A.54 and A.56 of the Leominster District Local Plan.

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

6. Officers Appraisal

6.1 This application seeks an amendment to planning permission DCNC2004/2934/F. The alterations proposed are:

(a) Mock timber frame to the east elevation so as to match the front elevation of the dwelling.

(b) Additional window to entrance hall, which will be in the front elevation – now constructed

(c) Alteration to the shape of the conservatory roof from half-hip to full gable roof. The roof is to be tiled to match those of the dwelling.

- 6.2 Planning permission DCNC2004/2934/F has been implemented, the construction of two-storey side extension is well under way, and the conservatory extension to the rear is part-built. Work on the conservatory has stopped until the determination of this application.
- 6.3 The determining factor of this application is the impact the amended roof shape will have on the amenity of the neighbour through overshadowing and light loss to the rear garden, patio and dining room. There is no objection to the planted timber to the side elevation or to the additional window in the front elevation.
- 6.4 The application site is on the west side of 6 Mappenors Lane. In terms of overshadowing an assessment of the orientation of the buildings in relation to the path of the sun is required. The orientation and southern aspect of the dwellings is that the rear gardens enjoy the benefit of full sun. However; the path of the sun from mid afternoon onwards sets behind the front of these dwellings. While, there will be some light loss to the rear garden, patio and dining room it is not considered this will be significant so as to give rise to overshadowing and light loss to the dining room to justify a refusal of planning permission. In terms of the alteration to the shape of the roof concerned, it is not considered that this will cause detrimental harm to the character of the dwelling. While, mention is made to the meaning of a conservatory the definition given refers to the Building Regulations. The Planning Act does not define a conservatory other than being an extension. The roof of the conservatory extension is to be covered in matching tiles (as did the previous planning application) to which there is no objection.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

2 - A06 (Development in accordance with approved plans)

The development shall be carried out in all respects strictly in accordance with the approved plans [(drawing nos.)].

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

Informative:

1. N15 - Reason for the Grant of Planning Permission

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

23 DCNW2004/3784/O - SITE FOR RESIDENTIAL DEVELOPMENT SITE ADJOINING OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ

For: Mr G Lewis, The Les Stephan Partnership, 9 Sweetlake Business Village, Longden Road Shrewsbury, SY3 9EW

**Date Received:
1st November 2004**

**Ward:
Bircher**

**Grid Ref:
48874, 66777**

**Expiry Date:
27th December 2004**

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The application site 0.28 hectare area of land that comprises a number of modern agricultural buildings and a farm shop and car parking area. The site forms part of a working farmyard that specialises in livestock. The site lies to the north of Old Kitchen Lane that runs from the B4361 to Orleton and is accessed from an unclassified lane. The site lies outside of any defined settlement boundary and within the Orleton Conservation Area.
- 1.2 The application requests outline consent for the residential development of the site and reserves all matters for future consideration.
- 1.3 A further application has been submitted (DCNW2004/3790/O) for the relocation of the farm shop to a green field site to the southwest of the current application site. As part of the application for the relocation of the Farm Shop a Feasibility Plan and appraisal have been submitted.

2. Policies

Government Guidance:

Planning Policy Statement 1: Delivering Sustainable Development
 Planning Policy Guidance 3: Housing
 Planning Policy Statement 7: Sustainable Development in Rural Areas
 Planning Policy Guidance 15: Planning and the Historic Environment

Hereford and Worcester County Structure Plan

CTC9 – Development Criteria
 A4 – Development Considerations
 H20 – Residential Development in Open Countryside

Leominster District Local Plan

A1 – Managing the District’s Assets and Resources
A2(D) – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
H7 – Housing In the Countryside Outside Settlements

3. Planning History

N98/0640/N - Change of use for caravan storage - Application 20-04-1999.

NW2004/1374/O - Site for residential development - Application Withdrawn.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency raises no objection but recommends conditions relating to the of foul and surface water drainage details.

Internal Council Advice

- 4.2 Transportation Manager recommends refusal as the required visibility splay of 2m x 33m has not been achieved from the position to the access shown on the accompanying plan.
- 4.3 The Conservation Manager makes the following comments:
Overton Farm is located with the boundary of the Orleton Conservation Area. Any residential development should reflect the character and appearance of the Conservation Area and preferably enhance. This development should take into account the areas special architectural and historic interest. No objections in principle of the development incorporate above into design and layout.
- 4.4 The Forward Planning Manager summarises:

The site specified in the outline application is located outside of the settlement boundaries identified in the Leominster District Local Plan and the Unitary Development Plan. Residential development outside of such boundaries is strictly controlled and it is not considered that this application falls within any of the exceptional circumstances stipulated within the relevant policy to justify potential development, and is therefore contrary to policy. The re-use of existing buildings would carry much greater weight than demolition of existing buildings to be replaced by new build.

4.5 The Strategic Housing Officer makes the following comment:

This application proposes an unspecified number of dwellings in a named Main Village in the Unitary Development Plan. The Housing Needs survey data for Orleton in the 2001 Herefordshire Housing Needs study, showed a need for 15 affordable dwellings in the locality, using extrapolated data. The 2004 Housing Needs survey of Orleton Parish showed a need for 24 affordable housing dwellings for the Parish as a whole.

Demand data from Homepoint also indicates housing need does exist in the area.

Should the development be supported by the Planning Authority, Strategic Housing not be seeking 36% of the residential dwellings to be developed as affordable homes if coming forward under the Leominster Local Plan, where Planning Policy A48 should apply, or 35% if coming forward via the UDP, as this site is not well located being significantly away from the centre of the village. Instead Strategic Housing would seek a suitable off-site contribution to put towards the provision of affordable housing in this or other rural areas in Herefordshire.

It should be noted that if any affordable housing is to be provided, it would require a S106 Agreement to ensure the homes remain affordable in perpetuity: the mix, type, tenure, standard and location to be negotiated as detailed in the SPG Provision of Affordable Housing, March 2001 and any succeeding document, in liaison with a preferred RSL partner.

We note, however, that the site does not adjoin the development boundary of Orleton, and therefore may not meet the requirements of the Local Plan and UDP policies for the provision of housing in rural settlements.

5. Representations

5.1 Orleton Parish Council makes the following comments:

The current structure plan and the new Unitary Development Plan define the village settlement boundary.

- a) The proposed development is outside the settlement boundary and inside the Conservation Area.
- b) There are many other similar sites outside the settlement boundary.
- c) Acceptance of this site would set a precedent which would legitimise widespread building outside the village and lead to its expansion.
- d) No overriding need has been demonstrated apart from the desire to increase capital and rebuild the shop.

Orleton Parish Council does not support this application.

5.2 One letter of representation has been received from A G Watt, D W Hippard and M J Hoppard from Overton House, Orleton (immediate neighbour) which can be summarised as follows:

- Replacing the modern buildings and farmyard would improve the environment
- Additional trees and shrub planting would improve quality of area
- More houses are needed and farmers need to diversify so feel this should be supported.

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

6. Officers Appraisal

- 6.1 This application is for outline consent only and as such the principle of development on the site is the primary concern. Policy H20 of the Hereford and Worcester Structure Plan, Policy A2(D) of the Leominster District Local Plan and Policy H7 of the Unitary Development Plan (Revised Deposit Draft) all state that development will not be permitted outside of the defined settlement boundaries unless it accords with certain exceptional circumstances. And should be limited to agricultural/forestry workers dwelling, the re-use of a rural building or a replacement dwelling. The proposed development as submitted does not offer any agricultural or forestry worker justification for the erection of dwellings on this site and appears to rely upon the granting of planning permission for the dwellings in order to finance the new farm shop. The feasibility study states that:

“The relocation of the farm shop would allow the site to be developed into residential use, which would be more suitable the immediate area and village. The existing agricultural building and farmyard would be removed and redeveloped to a high standard housing development, which would be sympathetically landscaped.”

and

“The project would be classified as diversification and it would be eligible for funding under the Rural Enterprise Scheme administrated by the Department of the Environment Food and Rural Affairs. The possible funding for eligible costs of construction and furnishings would be on a discretionary basis of between 30% and 50% of the development cost. The remainder of the capital required to construct the new farm shop would be sourced, hopefully, from the granting of planning permission for residential use over the old farm shop site or a commercial loan from a financial lender.”

- 6.2 The submitted detail fails to demonstrate any of the exceptional circumstances required and as such there is a fundamental policy objection to the contrary to National and Local Plan Policy.
- 6.3 In addition to the clear in principle policy objection, National Planning Policy in the form of PPG3 – Housing, PPG13 – Transportation and Policies S1, S2, DR2 and DR3 of the Herefordshire Unitary Development Plan discourage development that would place dependence on the private car as the principal mode of travel and promote sustainable forms of development within established settlements.
- 6.4 To conclude, the proposal is undoubtedly contrary to the National and Local Plan Policies that seek to protect the open countryside by restricting new residential development unless it falls within one of the specified exceptions. The proposal fails to comply with any of these exceptions and as such cannot be supported and members are respectfully requested to refuse this application.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 - It is considered that this proposal is contrary to Policy A2(D) of the adopted Leominster District Local Plan, and Policy H7 of the Herefordshire Unitary Development Plan (Revised Deposit Draft). The development would constitute new residential development in the open countryside and the Local Planning Authority is of the opinion that the application fails to satisfy any of the specified exceptions criteria.**

- 2 - The proposal is considered contrary to Planning Policy Guidance Note 3: Housing, and Planning Policy Guidance Note 13: Transportation, and Policies S1, S2, DR2 and DR3 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) in that it would reinforce dependence on the private car as the principal mode of travel.**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

24 DCNW2004/3790/O - SITE FOR NEW FARM SHOP WITH RESTAURANT FACILITY AT LAND OPPOSITE OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ

For: Mr G Lewis per The Les Stephan Partnership, 9 Sweetlake Business Village, Longden Road, Shrewsbury, SY3 9EW

Date Received:
1st November 2004

Ward:
Bircher

Grid Ref:
48655, 66621

Expiry Date:
27th December 2004

Local Member: Councillor S Bowen

1. Site Description and Proposal

- 1.1 The application site comprises a 0.5 hectare area of open fields further to the south-west of Orleton, between Overton Farm and the B4361. These fields slope down to a pond. Land to the west of the B4361 is designated as an Area of Great Landscape Value. The site lies outside of any defined settlement boundary and is also outside of Orleton Conservation Area.
- 1.2 The application requests outline consent for the erection of a farm shop with restaurant facility. Associated siting access and car parking are shown on an indicative plan with all matters are reserved for future consideration.
- 1.3 A further application has also been submitted (DCNW2004/3784/O) for the residential development of the existing farm shop site which lies approximately 200m away to the North East. As part of the application a Feasibility Plan and appraisal have been submitted.

2. Policies

Government Guidance

PPS1 – Delivering Sustainable Development
PPG3 - Housing
PPS7 – Sustainable Development in Rural Areas
PPG15 – Planning and the Historic Environment

Hereford and Worcester County Structure Plan

CTC9 – Development Criteria
A4 – Development Considerations
H20 – Residential Development in Open Countryside

Leominster District Local Plan

A1 – Managing the District’s Assets and Resources
A2(D) – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A24 – Scale and Character of Development
A34 – Village Based Neighbour Shops and Other Small Scale Commercially Based Local Services
A41 – Protection of Agricultural Land
A45 – Diversification on Farms

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
E11 – Employment in the Smaller Settlements and Open Countryside
E12 – Farm Diversification
E15 – Protection of Greenfield Land

3. Planning History

NW2004/1373/O - Erection of new farm shop with restaurant and conference facility, provision of new car park and erection of new dwelling house for occupation by farm shop site manager - withdrawn - 26th July 2004.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency raises no objection but recommends conditions relating to the submission of foul and surface water drainage details.

Internal Council Advice

- 4.2 The Transportation Manager recommends that any permission which this authority may wish to give include conditions relating to visibility splays, access, turning and parking facilities including the width of the access road.
- 4.3 The Conservation Manager:

Landscape Officer: recommended refusal on grounds of landscape impact due to the prominent location of the site as it would be contrary to Policy A9: Safeguarding the Rural Landscape of the Leominster District Local Plan (1999).

Ecologist has no objection to the application on the grounds that the diverse wildlife habitat of the pond could be improved and enhanced with mitigation.

5. Representations

- 5.1 Orleton Parish Council makes the following comments:

- This is a new development in open countryside.
- Visually this is a critical area at one of the main entrances to the village and a large development here would change the initial impressions and "introduction" to the village.
- The road is unsuitable for increased traffic being narrow with poor visibility. The junction with the B4361 is poor and dangerous.
- The farm shop already exists and there is adequate room on the present side to extend and develop.
- Development of the farm shop to a more diverse enterprise could jeopardise the viability of the village Post Office.

Orleton Parish Council does not support this application.

- 5.2 The feasibility study undertaken by McCartney's includes details regarding the proposed business, financial viability and costs and marketing appraisal. The report states:

"The relocation of the farm shop and the enhancement of the building and facilities, will allow this rural business to grow to provide further employment for the area. The new farm shop building will incorporate a restaurant, kitchen, farm shop and butchery section. The public will also have access to neighbouring land, wetland and pool areas for their enjoyment.

The farm shop will continue to sell similar products as currently, but also enabling them to stock a wide range of other local crafts and foods to increase the desirability of the farm shop. The butchery section will enhance the presentation and marketability of the products already sold at the farm shop together with stocking a wider variety of meats which have been sourced from local areas. The butchery will also designate a section to organic meats which are reared on the applicant's organic farm.

The restaurant will be open daily for hot and cold meals. Food will be prepared from ingredients stocked in the farm shop and butchery, so the public can taste the foods on offer in the shop. These enterprises will complement each other and enhance marketability and desirability of the complex over and above other retail outlets within the local area.

The new complex would substantially increase the turnover of the existing business, and therefore create extra employment within this local area. The farm shop and complex would provide an attraction to the area for tourists and benefitting the businesses in the locality.

Stalls at farmers' markets, and also local markets, would be maintained to create the awareness of the farm shop complex and rural leisure area."

One letter of support has been received from Christina O'Neill of The Old Bakery, Orleton which can be summarised as follows:

- Existing thriving business is an asset to the village and surrounding villages
- Buildings are well sited and will blend in and compliment its rural surroundings
- Enterprise will be for local people and attract visitors
- If planning permission not granted then we may lose farm shop as the business is not financially viable which may lead to loss of village asset and local jobs

One petition containing 79 signatures was also received in support of the Outline Planning Permission for the site of the proposed farm shop.

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

The main issues to consider in the appraisal of this application are:

- The principle of development
- The impact on the landscape
- Highway safety

- Policy A34 of the Leominster District Local Plan makes allowance for Village and neighbourhood shops and other small scale commercially basis local serving particular community needs which reduce the need to travel to larger centres when they satisfy the criteria of Policy A1 and are located in or around the village or neighbourhood they serve. Policy A35 is also supportive of such employment generating uses where they relate well to the existing settlement and have safe and convenient pedestrian access.

- The application site lies in an isolated position approximately 650m outside of the settlement boundary, unrelated to any other existing buildings or structures and as such the proposed site is clearly unrelated to the existing settlement.

- The site is readily visible from the section of the B4361 to the south of its junction with Kitchen Hill Road. This section of road is elevated above the level of the site. There are also views into the site from the vicinity of Overton Farm and Overton House. Although all matters are reserved for future consideration there is an objection in principle to such a large-scale development being sited in this isolated, prominent positioning in open countryside. It would also fail to preserve the character and appearance of the Orleton Conservation Area because the new buildings would be visually intrusive elements in the open countryside that forms the setting of the village.

- In addition to this, the creation of new access road across a field, from Kitchen Hill Road, to serve the development would also have a detrimental effect on the landscape quality of the area. It appears that the creation of a visibility splay would necessitate the removal of significant lengths of hedgerow along Kitchen Hill Road, although this is not explicitly mentioned in the application, as access is reserved for future consideration. The large parking area, and paraphernalia which would be associated with such a shop, such as signs, fences, parked cars etc would also have a negative impact on the wider area.

- It is therefore recommended that permission be refused for this development, on the grounds that it is contrary to Policy A9: Safeguarding the Rural Landscape of the Leominster District Local Plan.

- A feasibility study has also been submitted with the application looking at the financial viability of the farm shop and the demands for such a business. It would

appear from this report that there are no exceptional circumstances, which would outweigh the policies seeking to protect the open countryside.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1 - It is considered that this proposal is contrary to Policy A1, A34 and A45 of the adopted Leominster District Local Plan. The development would constitute a new building in the open countryside, unrelated to the nearby settlement of Orelton or any existing buildings.**

- 2 - The application site lies in an isolated, prominent position in open countryside. It would have a harmful affect on the rural character of the countryside contrary to Policy A9 of the Leominster District Local Plan.**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

25 DCNW2005/1288/F - PROPOSED 2 SINGLE STOREY EXTENSIONS, CHANGE OF USE OF GROUND FLOOR TO RESTAURANT AND NEW VEHICULAR ACCESS AT THE OLD VICARAGE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU

For: Mr P Leedham-Smith, Bryan Thomas Architectural Design Ltd, The Malt House, Shobdon, Leominster, Herefordshire, HR6 9NL

Date Received:

20th April 2005

Expiry Date:

15th June 2005

Local Member: Councillor Mrs O Barnett

Ward:

Mortimer

Grid Ref:

42614, 65252

1. Site Description and Proposal

- 1.1 The application site comprises a detached dwelling within a large garden. The dwelling is not visible from the highway and currently has the benefit of two accesses onto the A4110. The first runs between the dwelling known as Porch House and the Listed Church and second lies to the north of the Grade II Listed Vicarage Cottage.
- 1.2 Planning permission is sought for the extension of the property and change of use of the ground floor to a restaurant. The extensions to the property would consist of a single storey dining room to the rear (west) elevation of the property and a small single storey extension to the front of the building which would provide a washing up area. The application also proposes the creation of a new access across the existing church car park and onto the A4110 between Vicarage Cottage and Porch House. The amended plan submitted also shows the existing access adjacent to the church as being closed.

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A – Development Criteria

Policy CTC13 – Buildings of Special Architectural or Historic Interest

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy

Policy A9 – Safeguarding the Rural Landscape

Policy A18 – Listed Buildings and their Settings

Policy A16 – Foul Drainage

Policy A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements

Policy S4 – Employment

Policy S7 – Natural and Historic Heritage

Policy DR1 – Design

Policy DR2 – Land Use and Activity

Policy DR13 – Noise

Policy E11 – Employment in Smaller Settlements and Open Countryside

Policy LA2 – Landscape Character

3. Planning History

NW05/0287/ Proposed 2 no. single storey extensions and change of use of ground floor to restaurant - withdrawn

4. Consultation SummaryStatutory Consultations

4.1 English Nature responded as follows: As with the previous development proposals at this site, English Nature wishes assurances that the existing treatment plant is capable to sustaining the extra load which will be placed on it and, if it is not, what system the applicant intends to put in its place. Given the proximity of the Site of Special Scientific Interest to the development site, the water quality issues do need addressing.

4.2 The Environment Agency raises no objection subject to conditions relating to the provision of a private treatment system.

Internal Council Advice

4.3 Traffic Manager raises no objection subject to conditions relating to visibility splays, gates, parking provision and cycle parking provision.

4.4 The Conservation Manager responded as follows:

- The Old Vicarage is already a large building compared to the Vicarage Cottages and this proposed extension adds to the footprint substantially. The proposed extension on the south east of the building will have some impact on the Vicarage Cottages however it appears that this could be minimised particularly if foliage is used as a 'screen'.
- The proposed new access will have some detrimental impact on the adjacent Grade II Listed dwellings (The Vicarage Cottages). There is currently already an access just to the north of these Cottages.
- No objections to design proposal.
- Some concern about new vehicular access as increased traffic (in addition to that on the main road and to the access to the north) will have negative impact on Vicarage Cottages.

4.5 The Environmental Health Manager recommends conditions as follows:-

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

Reason: To prevent pollution of the water environment.

Note: A discharge consent under the Water Resources Act 1991 (as amended by the Environment Act 1995) may be required from the Agency and such a consent may not be granted. For further information on this matter the applicant is asked to contact the Wye Environment Management Team, in our Monmouth Office, on (01920) 582739.

The applicant should demonstrate that the existing foul drainage system is operating satisfactorily and is capable of accepting any potential increase in flow and loading resulting from this proposal without causing pollution.

Flood Risk Standing Advice

The site falls within Flood Zone 1, Category: Domestic Extensions.

4.6 The Environment Agency will not provide bespoke comments on planning applications of this lower risk nature that are covered by Standing Advice unless they fall within the bye-law distance of a Main River.

Full details of the relevant Standing Advice can be found on www.pipernetworking.com.

5. Representations

5.1 Aymestrey Parish Council raise the following points:

- There is very strong local opposition to the proposed development. Objections range from impact on neighbouring properties, noise, road safety and potential loss of the village pubs should they lose their food based income.
- It is believed that the developer is not in possession of the land needed to implement the plans as submitted.
- The plans submitted do not show other nearby accesses onto the A4110. It is evident that there are several accesses to other property in close proximity to the proposed new access to the Old Vicarage. The traffic hazard is therefore greater than had been previously appreciated. Some residents claim the plans are inaccurate and do not show the correct disposition of neighbouring properties.

5.2 One letter of support has been received from the applicant Mr Leedham-Smith which makes the following points:-

- It is my intention to open a French restaurant at the above property. The Old Vicarage is set in approximately 8 acres of mainly landscaped gardens in a very secluded setting and is not overlooked.
- We intend to open the restaurant from Tuesday through to Saturday plus Sunday lunchtime. The last service will be at 9.30 pm and the restaurant will have 40 covers with the aim of providing fine dining in a low key atmosphere.
- We will employ 10 staff, 4 of which will live in and the remaining staff will be employed from the local area.

- We estimate that we will have 2 weekly van deliveries of fresh meat and fish, the remaining produce will be sourced locally.
- We do not intend to have any outside functions ie Weddings/parties as this would not fit in with what we hope to achieve with our restaurant.
- Vehicle movements. We have the village pub/restaurant "The Riverside" as our yardstick and reference to estimate these. They have 70 covers plus drinking customers and have 18-20 parking spaces. So on this basis we estimate no more than 16 cars to enter and exit our premises when we are full.
- In summary. I understand the concerns of Aymestrey residents. I wish to reassure everyone that first and foremost this is my family home and I live in the village. I aim to act in a responsible manner. Any issues such as restriction of vehicle movements after 11.00 pm. I am happy to discuss.
- I feel this proposed development to open a restaurant in Aymestrey not only offers employment for local people but also supports the Council's policy of encouraging rural businesses in villages.

5.3 A total of 14 letters were received from the following persons in response to the application:

- Campaign to Protect Rural England
- W A and P J Cartwright, Vicarage Cottage, Aymestrey (x2)
- R M Holland, The Cottage, Aymestrey - (x2) including traffic survey
- K G Holland, The Cottage, Aymestrey
- Mr and Mrs J Scamp, Hillside Cottage, Bacon Lane, Aymestrey
- Mr and Mrs J Challis, Wigmore Abbey, Leintwardine
- Mr and Mrs PJ Wilkinson, The Corner House, Aymestrey
- Mr and Mrs R Purdy, Crown Cottage, Aymestrey
- Mr and Mrs J Heale, Aymestrey Court, Aymestrey (x2)
- S T Hutchings and V M Thorpe on behalf of the Trustees of the Church Car Park
- Mrs C Lawson, The Mill, Aymestrey

5.4 On receipt of the amended plans further letters were received from the following persons:-

Mr and Mrs R Purdy, Crown Cottage, Aymestrey
W A and P J Cartwright, Vicarage Cottage, Aymestrey
S T Hutchings and V M Thorpe on behalf of the Trustees of the Church Car Park
Mr and Mrs J Challis, Wigmore Abbey, Leintwardine

The concerns raised can be summarised as follows:

- Intensified use of highway causing highway safety objections, due to speed and busy nature of road and close proximity of other residential driveways.
- Impact on highway safety of other road users when leaving their driveways/dwellings.
- Danger to pedestrians.
- Traffic survey submitted that was undertaken by local residents.
- Impact on the setting of the adjacent listed buildings including Vicarage Cottages, The Piggery and Church.
- Impact and harm on the character of the Conservation Area through alterations to street scene (removal of wall and trees) and due to the associated use of the property.

- Lack of detailed information provided with the application as to the new access width, size, drainage etc.
- Removal of mature trees to create access.
- Noise and disturbance caused to residents from 'After hours'/unsociable hours noise nuisance, music, fireworks and outdoor functions such as weddings.
- Impact on neighbour from new driveway running along their boundary.
- Security concerns for neighbour if no secure gates to restaurant.
- Impact on drains discharging to River Lugg/drainage concerns.
- Introduction of a restaurant would have a negative impact on the character of the village and would be out of context.
- Trustees of Church Car Park have not agreed to the new access which crosses their land.
- Already a restaurant in the village.
- Impact of any lighting and use of non renewable fuels and pollution caused.
- Car lights shining into windows.
- Request environmental impact assessment due to impact on wildlife and River Lugg.
- Loss of space for church car park.

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

6. Officers Appraisal

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

- The principle of the change of use from a residential property to restaurant
- The impact of the proposed use, extensions and new access on the character and appearance of the Conservation Area and setting of the Listed Buildings
- Highway safety.
- The impact of the use on the amenities if the occupiers of the adjoining properties
- Drainage

6.2 Although Aymestrey is not a village that has a settlement boundary there is a distinct cluster of dwellings, which are located around the A4110. The Old Vicarage sits behind the dwellings, which front this highway in substantial grounds. Policy A34 of the Leominster District Local Plan broadly supports proposals, which would provide small-scale local services. Ideally these should be located within or adjacent to one of the larger, defined villages but given the good transport links and relationship with the surrounding settlement a commercial use in this location can be supported in principle.

6.3 The proposed extensions are in scale and keeping with the character of the dwelling and would have no direct impact on any of the neighbouring dwellings. As such they would preserve the character and appearance of the conservation area and would not impact on the setting of the adjacent listed buildings.

6.4 The creation of the new access causes more concern in relation to impact on the Conservation Area and setting of the listed Buildings. The creation of an opening onto the highway would alter the street scene through the removal of several trees and part of a stone-wall which fronts the highway. Undeniably this would alter the street scene and therefore careful consideration of this is required. Details of how this access will

be formed have not been submitted but with the sensitive treatment of this access, including the splays, boundary treatment and landscaping this issue could be overcome and the character and appearance of the Conservation Area preserved if not enhanced. In relation to the impact on the setting of the listed building, the listed dwelling itself is some 45m from the new access, and a close board fence currently forms the boundary between the two. The setting of the listed building would not be compromised by the creation of an access in this location. The revised route of the access along the boundary with the church car park is also considered to be an acceptable form of development.

- 6.5 There is strong local concern that the proposed new use of the dwelling would lead to additional traffic movements that would compromise highway safety. The two existing accesses are substandard and would not be suitable for such a use. As such this revised application includes the new access that would provide a safe means to accessing the site. The transportation manager recommends conditions and it is felt necessary that a Grampian style condition is imposed to ensure that the access works are carried out in accordance with the approved plans prior to any other works commencing on site. A condition requiring the closure of the existing accesses is also recommended.
- 6.6 Members should also note that the trustees / owners of the church car park, over which the new access crosses have as yet not agreed to the revised access arrangements. The correct notice has been served on the landowners and therefore the agreeing of this matter is not a matter would restrict the granting of permission. However, if this access arrangement cannot be provided prior to any other development or use on the site commences then the permission could not be lawfully implemented.
- 6.7 The main concern in relation to impact on the amenities and living conditions currently enjoyed by the neighbouring dwellings relates to the occupiers of Vicarage Cottage. This dwelling would, as a result of this proposal, have an access to either side of the property and backs onto the gardens of the application site. Careful consideration has been given to this issue and with conditions relating to hours of opening, restrictions on outdoor music and noise attenuation measures for kitchen ventilation and refrigeration equipment the use is unlikely to cause any adverse disturbance to these residents or to those that reside on the opposite side of the A4110. In addition to this additional planting and screening could be provided between the two properties and in particular the boundary treatments between the driveway and the dwelling known as Porch house which the applicant is currently purchasing. A condition is recommended.
- 6.8 There is also some concern raised with regards to a provision of suitable drainage arrangements. The Environment Agency has advised that a private treatment plant would be appropriate. Further details of this would be requested by condition and the Environment Agency re-consulted where appropriate.
- 6.9 To conclude, the proposed extensions and change of use would preserve the character of the conservation area and settings of the listed buildings. With appropriate conditions the new highway access would not cause any highway safety concerns. Conditions are recommended which would prevent the use being neighbourly and affecting the living conditions of those living in the vicinity. After careful consideration this proposal is recommended for approval with 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 - B02 (Matching external materials (extension))

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

- 3 - G04 (Landscaping scheme (general))

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

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

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

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

Reason: To safeguard local amenities.

- 6 - Before any fixed ventilation, refrigeration or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the Local Planning Authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use. The scheme should identify any nearby residential properties that may be affected by noise from any fixed ventilation, refrigeration or other plant in accordance with BS4142.

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

Reasons: To protect the amenity of local residents.

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

Reasons: To prevent pollution of the water environment.

- 8 - E03 (Restriction on hours of opening)

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

9 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

10 - F14 (Time restriction on music)

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

11 - G01 (Details of boundary treatments)

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

12 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

13 - H03 (Visibility splays)

Reason: In the interests of highway safety.

14 - H04 (Visibility over frontage)

Reason: In the interests of highway safety.

15 - H05 (Access gates)

Reason: In the interests of highway safety.

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

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

17 - 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
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN22 - Works adjoining highway

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

26 DCNW2005/1503/F - CONVERSION OF BARN INTO HOLIDAY HOME AT OAK BARN, UPCOTT, ALMELEY, HEREFORDSHIRE, HR3 6LA

For: Mr S Dick of above address.

Date Received:
6th May 2005

Ward:
Castle

Grid Ref:
32544, 50810

Expiry Date:
1st July 2005

Local Member: Councillor J Hope

1. Site Description and Proposal

- 1.1 The barn subject to this application is a redundant pigscot/cow-byre and is within the curtilage of a dwelling that was also a previous agricultural barn converted to residential use.
- 1.2 The barn subject to this application is a single storey detached building of stone and timber construction under a mainly slate roof (a small section towards the one gable end is of corrugated sheet iron construction). The structure is mainly open on its south easterly elevation which is the opposite side of the structure that faces the existing barn converted to that of residential use.
- 1.3 To the north east of the application site on opposite side of a stone wall and within its own curtilage is the grade II listed former farmhouse known as 'Lower Upcote', this dwelling is in separate ownership.
- 1.4 The application seeks planning permission for conversion of the barn into holiday accommodation.

2. Policies

- 2.1 Supplementary Planning Guidance – Reuse and Adaptation of Traditional Rural Buildings
- 2.2 Leominster District Local Plan (Herefordshire)
- A1 – Managing the District's Assets and Resources
 - A2 – Settlement Hierarchy
 - A5 – Sites Supporting a Statutory Protected Species
 - A7 – Replacement of Habitats
 - A9 – Safeguarding the Rural Landscape
 - A16 – Foul Drainage
 - A18 – Listed Buildings and their Settings
 - A36 – New Employment Generating Uses for Rural Buildings
 - A60 – Conversion of Rural Buildings Outside Settlements to Residential Use
- 2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S7 – Natural and Historic Heritage
DR1 – Design
DR4 – Environment
H14 – Re-Using Previously Developed Land and Buildings
E11 – Employment in the Smaller Settlements and Open Countryside
NC1 – Bio-diversity and Development
NC5 – European and Nationally Protected Species
NC8 – Habitat Creation, Restoration and Enhancement
HBA4 – Setting of Listed Buildings
HBA12 – Re-Use of Rural Buildings

3. Planning History

NW04/2602/F - Conversion of existing pig cot into one habitable dwelling - refused 10th September 2004.

NW02/0872/F - Proposed barn conversion to provide living accommodation and associated workshop - approved 25th June 2002.

NW99/2649/F - Conversion of barn to dwelling and workshop - withdrawn 10th December 1999.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - Consider the application acceptable subject to the inclusion of a condition with regards to foul drainage and an informative note to any approval notice issued.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.
- 4.3 Conservation Manager has no objections subject to the inclusion of a condition with regards to approval of details of materials.
- 4.4 Ecology Manager expresses concerns with regards to the requirement for a D.E.F.R.A. licence prior to any development on site.

5. Representations

- 5.1 Almeley Parish Council state: 'The plans were considered to be satisfactory, but the need for and the holiday home was questioned. Access drainage needs clarification.
- 5.2 A total of three letters of objections to the proposed development have been received from Peter and Helen Cripwell, Lower Upcott, Almeley, HR3 6LA.

The objections can be summarised as follows:

- Impact of any conversion to the adjacent listed buildings.
- Oak Barn needs the cow byre for garaging and workshop.
- Concerns about planning history of site and reasons for previous refusal on site.
- Concerns about loss of privacy on dwelling within close proximity to site known as Lower Upcott.

Two letters in support of the application has been received from:

Mr & Mrs C Powell, Upcott Cross, Almeley, HR3 6LA.

Mrs Ellis-Jones, Buttington, Hopley's Green, Almeley, Hereford, HR3 6QX

- 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 proposes holiday use of the barn and not a separate residential dwelling as stated in one of the letters of objection.
- 6.2 Officers have been involved in pre-application planning advice with the applicant and have stated that separate residential use of the structure proposed for conversion to holiday use would not be supported by officers due to the structures close relationship to the dwelling, Oak Barn, within whose curtilage the structure, subject of this application, is located. This advice has been given due to concerns about privacy and amenity in relationship to Oak Barn and not Lower Upcott to which officers consider there is no detrimental impact to the amenity and privacy of this dwelling or on its listed status.
- 6.3 The application proposes conversion to holiday use and not separate encumbered residential use. In Local Plan policy terms this is considered acceptable as it amounts to business use and therefore the barn does not require marketing for business re-use.
- 6.4 The application proposes a conversion that is considered sympathetic to the existing structures architectural and historic character as noted by the letter received from members of the public in support of the application. The Conservation Manager raises no objection to the proposed development and states in the response received "The proposed scheme makes use of existing openings and appears to be sympathetic to rural character of building".
- 6.5 The Parish Council who also support the application raise concerns about access and drainage.

The application is to be holiday use and it is recommended that any approval notice that Committee are minded to issue contains a condition tying the unit into the same ownership as that of Oak Barn therefore access will be as to that of Oak Barn.

The drainage issue has been a matter of consideration for the Environment Agency who also raise no objection to the proposed development subject to a condition with regards to foul drainage and an advisory note being attached to any approved notice issued.

- 6.6 The Ecology Manager raises concerns about a DEFRA Licence being required for this conversion scheme prior to any development on site. The applicant has submitted a survey on wildlife presence and it is recommended a condition be attached to the approval notice with regards to the requirement for a DEFRA development licence prior to any development on site.
- 6.7 The objectors to the application raise concerns about the site's previous planning history. A planning application for conversion of the structure subject to this application was refused planning permission on 10th September 2004 for conversion to an unencumbered habitable dwelling. The reasoning for this decision was the close proximity of the structure to the adjacent Oak Barn to which any conversion would have an unsustainable and detrimental impact towards with regards to privacy and amenity issues. The present application is for an encumbered unit to this dwelling known as Oak Barn.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - A09 (Amended plans)

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

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 - C02 (Approval of details)

- (a) Window, construction and detail**
- (b) External door construction and detail**
- (c) External roofing material**

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

4 - C11 (Specification of guttering and downpipes)

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

5 - C12 (Repairs to match existing)

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

6 - E15 (Restriction on separate sale)

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

7 - E16 (Removal of permitted development rights)

Reason: In order that the Local Planning Authority can control development on this site with regards to the historic and architectural significance of the building structure.

8 - E18 (No new windows in specified elevation)

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

9 - E31 (Use as holiday accommodation)

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, [due to the relationship and close proximity of the building to the property known as Oak Barn in this rural location.

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

Reason: To prevent pollution of the water environment.

11 - Prior to any development on site the applicants (or whoever is in ownership of the structure subject to this approval), shall have obtained a D.E.F.R.A. Development Licence and a copy will be forwarded to the Local Planning Authority who will of agreed with its contents in writing to the person(s) who need to obtain it prior to any form of development on site.

Reason: In order to safeguard any wildlife species that are protected under The Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats), Regulations 1994.

Informatives:**1 - Where septic tanks/private treatment plants are proposed, Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage) advises in Annex A that the application should be accompanied by a full foul drainage assessment to demonstrate that the proposal will not adversely affect the environment amenity and public health of the vicinity. This assessment should clearly set out the responsibility for and means of operation and maintenance of the plant (see paragraph 4) and provide adequate consideration of the points outlined in paragraph 6.**

Reference should also be made to 'Approved document H 2002 Edition', Section H2 paragraphs 1.27-1.30 regarding the siting of the foul effluent soakaway (note the need to be 15m from any building; 10m from any watercourse or permeable drain and 50m from any groundwater abstractions), paragraphs 1.31-1.38 assists with assessing the ground conditions, and Appendix H2A regarding maintenance of the ssystem.

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

27A DCNW2005/1504/F - CONVERSION OF BARN TO PROVIDE ADDITIONAL ANCILLARY ACCOMMODATION WITH LINK CONSERVATORY AT BANK HOUSE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LB

27B DCNW2005/1505/L – AS ABOVE

For: Mr & Mrs Lester per S R Brown and J C Salt, 11 Market Street, Craven Arms, Shropshire, SY7 9NW

Date Received:

6th May 2005

Expiry Date:

1st July 2005

Local Member: Councillor Mrs O Barnett

Ward:

Mortimer

Grid Ref:

40413, 74019

1. Site Description and Proposal

- 1.1 The dwelling subject to this application is located in the centre of Leintwardine alongside the settlements High Street close to its junction with Church Street and adjacent to the existing branch of HSBC Bank.
- 1.2 The dwelling is a semi-detached 'cottage style' dwelling, grade II listed, constructed of sandstone rubble under a slate roof. Alongside the properties frontage is land registered as 'Common Land'. The dwelling subject to this application is attached to an outbuilding belonging to a dwelling known as 'The Bank' that is located to the east of the proposed development site.
- 1.3 These applications for both planning permission and listed building consent propose conversion of an existing barn within the dwelling's rear curtilage to provide additional ancillary accommodation in the form of a store and workshop together with the construction of a 'link' conservatory that is little more than a glazed walkway joining the existing dwellings utility to the proposed barn conversion.

2. Policies

2.1 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2(C) – Settlement Hierarchy
- A18 – Listed Buildings and their Settings
- A21 – Development within Conservation Areas
- A23 – Creating Identity and an Attractive Built Environment.
- A24 – Scale and Character of Development
- A54 – Protection of Residential Amenity
- A56 – Alterations, Extensions and Improvements to Dwellings.

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
DR1 – Design
DR2 – Land Use and Activity
H13 – Sustainable Residential Design
H18 – Alterations and Extensions
HBA1 – Alterations and Extensions to Listed Buildings
HBA3 – Change of Use of Listed Buildings
HBA6 – New Development within Conservation Areas

3. Planning History

There is no planning history record of any development on site.

4. Consultation Summary

Internal Council Advice

- 4.1 County Land Agent - No objections.
- 4.2 The Traffic Manager has no objection to the grant of permission.
- 4.3 Environmental Health Manager have no objection subject to the inclusion of conditions with regards to noise during construction.
- 4.4 Conservation Manager – No objections.

5. Representations

- 5.1 Leintwardine Parish Council have no objections.
- 5.2 One letter of objection has been received from P Williams, The Bank, Leintwardine, Craven Arms, SY7 OLD

The letter can be summarised as follows:-

- Concerns about the Council's planning procedure with regards to the application.
- Objections to the proposed development due to impact on adjacent attached Coach House (within objectors curtilage), with regards to repairs and maintenance.
- Proposal for a modern conservatory is inappropriate in the curtilage of a listed building.
- The proposed development would effectively increase the floor area of Bank House and render it suitable for undesirable use such as a guest house.
- The proposed conservatory will be attached to Bank House and cause concern with regards to rainwater and guttering.
- Any use of the building subject to the change of use may lead to cause for complaint about the use of the Coach House as a hobby woodworking shop.
- Concerns about fire hazard.
- Devaluation effect on adjacent property.

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 is brought before Committee due to the letter of objection received from the adjacent neighbour to the application site at The Bank, who owns the adjoining attached building known as The Coach House which is currently in use as storage/hobby workshop and not as residential accommodation.

6.2 The issues of concern/objection raised to the proposed development centre around 'The Party Wall Act' and therefore not relevant planning issues of concern with regards to this application. It is recommend that any approval notice committee are mindful to issue includes information for the applicants with regards to the Party Wall Act 1996.

6.3 The proposed development is considered acceptable in relationship to the setting of the listed building, the Conservation Manager raising no objections.

6.4 The proposed development will have no significant detrimental impact on the amenity or privacy of surrounding dwellings or on public highway issues. The Council's Environmental Health Manager raises no objection and recommends conditions. Consequently these are no planning objections to this proposal.

RECOMMENDATION

NW2005/1504/F

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)

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

3 - C12 (Repairs to match existing)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

- 6 - All machinery and plant used during the construction period shall be operated and maintained in accordance with BS5228: 1997 Noise and Vibration Control on Construction and Open Sites.

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

Informatives:

- 1 - N14 - Party Wall Act 1996
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

NW2005/1505/L

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

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

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

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

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

- 3 - C05 (Details of external joinery finishes)

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

- 4 - C12 (Repairs to match existing)

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

Informatives:

- 1 - N14 - Party Wall Act 1996
- 2 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

28 DCNW2005/1542/O - DEMOLITION OF EXISTING DWELLING, GARAGE AND OUTBUILDINGS. SITE FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

**For: Wicks Consultancy per Mr Stephen Funge,
Architectural Design, Dartmoor View, Queen Street
Winkleigh, Devon, EX19 8JB**

Date Received:
10th May 2005

Ward:
Mortimer

Grid Ref:
40338, 74527

Expiry Date:
5th July 2005

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a 0.198 hectare plot, located on the western side of the A4113 (High Street). An existing bungalow (Burnside) and a detached garage occupy an elevated position above the road level and are set back some 20 metres from the highway, behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood rise and The Old Police House respectively, which have fenced and planted boundaries.
- 1.2 The rear garden of the bungalow benefits from mature landscaping, including coniferous trees and hedgerows along the boundary with Meadowbank to the west. Notable trees in the densely planted rear garden include a copper beach, blue cedar, rowan and a silver birch.
- 1.3 The site lies within the Settlement Boundary of Leintwardine, but outside the Conservation Area and the Scheduled Ancient Monument. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two-storey scale. The whole of Leintwardine is designated as a Landscape Protection Area.
- 1.4 Outline planning permission is sought for the demolition of the bungalow and garage and the erection of terrace 6 dwellings including 3 garages. The application seeks formal consideration of the siting and means of access, but reserves design, external appearance and landscaping for future consideration.
- 1.5 This revised application has been submitted in response to the recent appeal decision for application number DCNW2004/2056/F for the erection of three four-bed dwellings. This appeal was dismissed on the grounds that the erection of only 3 dwellings on this site would be a highly inefficient use of land contrary to advice in PPG3 and draft policy H15 of the Unitary Development Plan.

- 1.6 An indicative "View from High Street" has been provided, showing the visual relationship of the proposed development in relation to the neighbouring properties.
- 1.7 A Members' site visit for the previous application took place on 26th July 2004.

2. Policies

Government Guidance

PPS1 – Delivering sustainable development
PPG3 – Housing
PPS7 – Sustainable development in rural areas
PPG13 – Transport
PPG15 – Planning and the historic environment

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements
CTC11 – Trees and Woodlands
CTC18 – Development in Urban Areas

Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and resources
A2(C) - Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A10 – Trees and Woodlands
A18 – Listed Buildings and their Settings
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A25 – Protection of Open Areas or Green Spaces
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development
A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
H4 – Main Villages: Settlement Boundaries
H13 – Sustainable Residential Development
H14 – Re-Using Previously Developed Land and Buildings
H15 – Density
H16 – Parking
LA5 – Protection of Trees, Woodland and Hedgerows
HBA4 – Setting of Listed Buildings

Supplementary Planning Guidance

Leintwardine Village Design Statement

3. Planning History

- 3.1 NW2004/2056/F - Demolition of existing dwelling and outbuildings for construction of three four-bed dwellings - Refused at Northern Area Planning Sub-Committee - 8th December 2004. Dismissed on appeal 30th March 2005. None identified.
- 3.2 NW2004/3350/F - Demolition of existing dwelling and outbuildings and construction of two five-bedroom dwellings - Refused by Northern Area Planning Sub-Committee - 5th January 2005.

4. Consultation SummaryStatutory Consultations

- 4.1 Severn Trent Water raises no objection, subject to conditional control over foul and surface water drainage arrangements.

Internal Council Advice

- 4.2 The Transportation Manager recommends that permission be refused for the following reason: 2 x 90 splay required by 'Places, Streets and Movements'. Consider that 2 x 60 visibility splay is sub-standard for this location and level of development. Unlikely to be able to achieve because adjoining land is not under applicant's control. However a speed survey should be done to determine actual speed which may allow relaxation of the standards against this, note that existing access may make this recommendation unreasonable.
- 4.3 The Conservation Manager comments as follows:
- Burnside is located just south of the Grade II listed building Plough Cottage and is located adjacent to the Conservation Area of Leintwardine. There is a mix of architectural styles in this part of the Leintwardine. The height of the proposed dwellings is acceptable and it appears from the design that the development will be set back with some screening from plantings (retaining the current streetscape emerging from the adjacent Conservation Area). The setting of the listed building will not be compromised. No objections.
- 4.4 Landscape Officer - This response covers both tree and landscape issues. Burnside is a bungalow that is on the northern fringe of Leintwardine. It is on the west side of the High Street and is set back from the road, within a large plot of land. The site is outside the Leintwardine Conservation Area but falls within the Area of Great Landscape Value.

As stated previously, I have no objection in principle to the redevelopment of this site and I have no objection to the proposed removal of trees, as these are small ornamental specimens, which are insignificant in terms of amenity value. I note that the proposed dwellings are more appropriate in terms of vertical scale, in relation to the neighbouring properties than in the previous scheme. However, I am concerned that building at such a high density on this site, would give it a cramped appearance, when viewed from the High Street. In addition, such a large area of parked cars on the road frontage would further detract from the visual amenity of the village. Cramming so many units onto the site has meant that the land at the rear has been subdivided into very narrow, poorly proportioned rear gardens, some of which have very little useable space.

I therefore recommend that permission should be refused for this development on the grounds that it would be contrary to Policy A.23: Scale and Character of Development, of the Leominster District Local Plan (1999). I recommend that the number of units should be reduced.

5. Representations

5.1 Leintwardine Parish Council strongly object to this application and make the following points:

1. The proposal is too dense. Half of the plot is covered by trees which have a Preservation Order attached substantially reducing the available building area.
2. Building six houses as outlines is wholly out of keeping with the adjoining properties and would be an eyesore.
3. Car-parking provision is inadequate.
4. The intended scheme is in direct contravention of the Village Design Statement which was adopted by Herefordshire planners in 2003, a copy of which should have been supplied to the applicants by the Planning Department.
5. Leintwardine sewage infrastructure is already over-capacity and cannot cope with the additional 6 houses.

5.2 The applicant's agent's letter which was submitted with the application can be summarised as follows:

- I would draw to your particular attention to the Planning Inspectors appeal decision letter in respect of the recent appeal on the site where he has dismissed the appeal for three detached houses on the grounds of under development, you will note that the Inspector is citing guidelines in PPG3.
- The Inspector has given clear advice that a development in line with that now submitted would be an acceptable form of development for this land.

5.2 At the time of writing, a total of 25 individual letters of objection have been received. The concerns raised can be summarised as follows:

- Concern about appeal decision and increased density.
- Density not suited to a village like Leintwardine. Density too great.

- Lack of acknowledgement of village location when applying PPG3 principles.
- Doubt that it will prevent green field development.
- No weight been given to residents concerns.
- The proposal is contrary to the Local Plans.
- Close proximity to boundary with The Old Police House and Neadwood Rise.
- Dwellings are not 'affordable' low cost homes and are for the developers profit.
- Loss of privacy.
- Detrimental to the Schedule Ancient Monument.
- No respect for the identity of the village.
- Out of character with this part of High Street/Jay Lane.
- Noise associated with additional car traffic.
- Cramped development.
- Affordable housing required in the village.
- Mature trees bound to be lost.
- Additional vehicular use of existing access will be detrimental to highway safety.
- Poor visibility at access onto main road.
- Serious impact on neighbouring property (noise and loss of sunlight).
- Village lies within a Landscape Protection Area.
- Village must not be degraded by building speculation and outside interests.
- Precedent for whole village setting.
- Loss of important space within the village.
- Dwellings to tall, dense and out of keeping.

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

6. Officers Appraisal

6.1 This is an outline application, which seeks approval for the siting of six dwellings and the access thereto. At this stage, the design, external appearance and landscaping of the site are not matters requiring detailed consideration. This is the third application on this site and continues to generate a significant number of objections locally. Members may recall visiting the site on a Members' site visit, which took place on 26 July 2004.

6.2 An appeal decision on this site dismissed the development of three detached dwellings as an **under development** of the site contrary to guidance contained with PPG3 and the Policy H15 of the Unitary Development Plan (revised deposit draft). This application has been submitted having regard to the clear advice contained in the appeal decision. The advice contained within this decision is also an important material consideration for the purpose of determining this application and as such will play an important part in the consideration of the key issues.

6.3 The key issues for consideration in the determination of this application are as follows:

- a) The principle of residential development;
- b) Density of development;
- c) The effect of the proposal on the character and appearance of the surrounding area;
- d) The wider landscape impact of the proposal, having regard to the Landscape Protection Area designation and the trees on site;
- e) The effect of the proposal upon the amenities of neighbouring occupiers; and
- f) Highway safety and access issues.

Principle of Residential Infill

- 6.4 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Leintwardine. There are no objections in principle to the residential development of this site.
- 6.5 The application site is also considered to be in a sustainable location, within walking distance of a range of shops and other facilities, including the health centre and primary school. Sustainable forms of development are encouraged through national guidance and this site is considered to conform to those principles.

Density of Development

- 6.6 Government Guidance set out in PPG3 – Housing establishes minimum thresholds for the density of development on residential infill sites and seeks to promote more effective use of land by encouraging densities between 30 and 50 dwellings per hectare. Emerging Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) reflects this guidance.
- 6.7 The issues of density and the effective use of previously developed land was key in the Inspector's decision. Paragraphs 15 and 16 of the Inspector's reports states:

Paragraph 15: This proposal is for 3 dwellings on a site of approximately 0.19 hectare. The Council calculates that this would involve a net site density of approximately 16 dwellings per hectare. Paragraph 57 of PPG3 says that more than half of all new housing was (prior to its publication in March 2000) built at a density of less than 20 dwellings per hectare, which represents a level of land that "*can no longer be sustained*". I believe this is such an example. Failure to make efficient use of land undermines the sustainability of local services and public transport. It results in added pressure to release green field sites, which are a scarce and finite resource. In this context I strongly disagree with the Council's claim that the proposed development "*is in accordance with Government Guidance for density*": it is plainly contrary to this advice.

Paragraph 16: Paragraph 58 says that Local Planning Authorities should "*avoid*" developments which make inefficient use of land, defined to be those of less than 30 dwellings per hectare net. This advice is reflected in Policy H15 of the emerging UDP.

- 6.8 The revised proposal for six dwellings would achieve a density of 30 dwellings per hectare net and would therefore conform to the guidance contained within PPG3 and Policy H15 of the Herefordshire Unitary Development Plan, which reflects this guidance. As such, in principle of six dwellings on the site is accepted.
- 6.9 It is acknowledged that local residents have strong concerns about the numbers of dwellings now proposed and the impact that this would have on the character and appearance of the village and on highway safety, amongst other issues. These are issues also considered by the Inspector in making his recommendation and matters that are key in assessing the proposal now before you.

Character and Appearance of the Area

- 6.10 Notwithstanding the advice set out in Government Guidance, development proposals should not cause harm to the character and appearance of the site and its surroundings. In this case and in response to a number of comments made, it should be stressed that the site does not lie within the Leintwardine Conservation Area, neither is it within the area defined as the Scheduled Ancient Monument.
- 6.11 An assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles, ranging from the historic listed property, detached single-storey and two-storey development to the north, south and west and two-storey terraced housing (in block of four) to the east. As such there is no predominant character of dwellings in the locality.
- 6.12 The siting and building line of the dwellings as shown on the submitted plan respects the prevailing building line established by reference to the neighbouring dwellings to the north and south of the site. The existing single point of access would be utilised, with modification to the bank to provide a viability splay. The planting along the highway frontage would be retained. It is therefore considered that the proposed development would not result in a loss of openness to the area that lies in the public realm at the front of the site.
- 6.13 Although the siting of the dwellings would be in an elevated position above the highway the proposed dwellings would not be prominent in the street scene. The planting to the street frontage would also be retained and supplemented to screen and otherwise minimise their visual impact. Furthermore, the two-storey scale is one that exists in the area and, by reference to the indicative "View from High Street" elevation, does not appear out of keeping with the size of dwellings in the vicinity.
- 6.14 There will inevitably be a loss of space to the sides of the existing bungalow but, having regard to the prevailing character of this part of High Street, it is not considered that this will cause demonstrable harm and, as such, would accord with Policies A1, A23 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.15 Since the application is in outline form, the design and external appearance of the dwellings is reserved for future consideration, but will inevitably require careful attention, in order to preserve the character and appearance of the surrounding area.

Impact on Landscape Protection Area and Trees

- 6.16 Policy A9 of the Leominster District Local Plan (Herefordshire) promotes the conservation and enhancement of the rural landscape, referring specifically to the importance of the Landscape Protection Area designation. This covers the whole of the village and the wider countryside to the Shropshire boundary to the north and Wigmore to the south.
- 6.17 Clearly, its key significance is in protecting the area from inappropriate isolated development, with the weight attached being reduced in respect of existing settlements such as Leintwardine.
- 6.18 In local landscape terms, the trees on site are considered to be of high amenity value and should be retained. Within the context of the coniferous and ornamental shrub planting, there are 4 trees worthy of retention (a copper beech, blue cedar, rowan

and silver birch) at the rear of the site, although it is recommended that the blue cedar should be felled to allow the copper beech to grow unimpeded.

6.19 The siting of the proposed dwelling would enable the retention of the trees and, subject to conditions requiring fenced protection during construction, these trees would not be unduly affected and can therefore be preserved.

6.20 In the light of the above, the requirements of Policies A9 and A10 of the Leominster District Local Plan (Herefordshire) are satisfied.

Neighbour Amenities

6.21 It is noted that this scheme has been submitted bearing similarity to the footprint of the appeal proposal. As such, the inspector's comments relating to the relationship to the neighbouring properties are relevant. The report states:

"I am satisfied that, subject to the imposition of appropriate conditions, the proposed scheme would not harm neighbours' living conditions. At the site inspection I took particular note of the relationship between the appeal site and *Alt Ardoch* but the rear elevation of the nearest plot would stand forward of the rear of this bungalow and I note that there are no windows in the flank gable of this property. I accept that there might be some shadowing of the rear garden of *Alt Ardoch* during the late morning if a 2-storey dwelling were proposed with a rear gable and with this in mind I note that the illustrative plans show a hipped roof. I am therefore satisfied that this matter could be resolved in such a manner and it is clear from orientation of the property that there would be no loss of direct sunlight to the internal living accommodation."

6.22 Having regard to this it is brought to members attention that a condition would be attached to ensure that no windows were installed in the south elevation of Plot 1 and the north elevation of Plot 6, which would, in the light of the relevant siting of the proposed dwellings in relation to the neighbouring property, ensure that no harmful overlooking would occur.

6.23 In addition to the above, the position of Plot 6 in relation to Needwood Rise has been proposed as per the original scheme and such that the proposed two-storey element would be some 4 metres from the blank side elevation of the bungalow and, accordingly, would not have such an adverse impact on daylight and sunlight such that the refusal of planning permission would be justified. The previous 8 metres gap achieved between Plot 1 and The Old Police House has been reduced and a single storey garage with and some 25 metres to the property to the west, which would not result in an unacceptable, overbearing effect on these properties.

6.24 In view of the above, the scale of the development would not cause serious harm to the amenities of neighbouring occupiers and, subject to control of the hours during which demolition and construction is undertaken, Policy A54 of the Leominster District Local Plan (Herefordshire) is satisfied.

Highway Safety and Access

6.25 Means of access to the site serving six dwellings is of particular concern to local residents. The findings of the planning inspector on this matter is also of significance in this resubmission. The report states:

"The main factor that has been brought to my attention to justify this low density scheme is the alleged constraint of the proposed access. The Appellants have suggested that the Council has previously advised that a visibility splay of 4.5m x

60m would be required for more than 3 dwellings. However relevant advice on page 58 of Places, Streets and Movement says that a 2 metre x-dimension⁵ is appropriate for '*small groups of up to half a dozen dwellings or thereabouts*'. There is no justification on this basis for a distinction to be made between the 3 dwellings now proposed and approximately 6 dwellings, which would achieve 30 dwellings per hectare net. Indeed I note that in their letter of 16th March 2005, the Council has subsequently confirmed that it does not '*actually place a specific limit upon the development potential of the site on the basis of access issues.*' In these circumstances I consider that there are no material considerations that would justify the low density scheme being proposed, which in my view is an unsustainable form of development, contrary to advise in PPG3, which post dates the Development Plan.

- 6.26 The Transportation Manager has raised some concerns in relation to the visibility splays and in response to this the agent has re-examined the survey drawing and is satisfied that a splay of greater than 2m x 60m can be achieved and to the comments made by the planning inspector above, the issues relating to highway safety have been addressed and appropriate conditions are suggested. A plan detailing this has been requested.
- 6.27 In response to the concerns raised locally, it is recognised that none of the properties on the western side of High Street has the benefit of direct pedestrian access, with occupants required to cross the road. Clearly, the proposal will result in additional pedestrian activity, but this would not be so significant or such a threat to pedestrian safety that grounds for refusal could be substantiated.
- 6.28 Subject to conditions requiring the proper provision and retention of the proposed parking and turning areas, no objection is raised.

Conclusion

- 6.29 This application has generated a significant number of objections but, in planning policy terms, it is considered that the principle of residential development is acceptable and, furthermore, the density and siting of the proposed dwellings would not be out of keeping with the prevailing character of residential development in the locality, whilst enabling the retention of the existing trees on the site. With modifications, the access can be improved to meet the minimum visibility requirements and, as such, it is not considered that there are sufficient grounds to oppose this proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3 - A04 (Approval of reserved matters)

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

4 - A05 (Plans and particulars of reserved matters)

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

5 - B01 (Samples of external materials)

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

6 - E16 (Removal of permitted development rights)

Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.

7 - E18 (No new windows in specified elevation)

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

8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

9 - G06 (Scope of landscaping scheme)

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

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - H13 (Access, turning area and parking)

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

12 - H27 (Parking for site operatives)

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

13 - The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the LPA in writing.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway
- 6 - N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

29 DCNW2005/1552/F - PROPOSED DWELLING TO REPLACE PREVIOUSLY APPROVED DWELLING AT HOUSE PLOT ADJACENT TO STORES AND YEW TREE HOUSE, SHOBDON, HEREFORDSHIRE, HR6 9LX

For: Mr & Mrs M Lovell per Mr C Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW

Date Received:
9th May 2005

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
39813, 61774

Expiry Date:
4th July 2005

Local Member: Councillor R Phillips

KG/KO

1. Site Description and Proposal

- 1.1 The application site lies immediately to the east of the Shobdon Stores building on the southern side of the B4326 which runs through the village of Shobdon. The site is currently used informally for parking for the shop and is hardsurfaced.
- 1.2 Shobdon Stores received planning permission in 1992 for a new post office, store and detached house. The dwelling has not been constructed although the permission remains extant. This application seeks to amend the design of the approved dwelling through the increase in ridge height from 8.1m to 8.5m and the introduction of two dormers to the rear elevation to allow for two attic bedrooms. In addition to this a single storey lean to type addition is proposed to the rear elevation that would extend 2.2m to the rear. The siting of the dwelling has also been altered to move 1m back away from the highway. It should also be noted that the approved layout included the living accommodation (living room, kitchen and dining room) at first floor level with a first floor balcony. The proposed dwelling has reverted to a more traditional layout with the living accommodation on the ground floor to comprise a kitchen/dining room, study, and living room. The first floor would have 3 bedrooms with one bathroom and 1 en-suite with the attic providing a further two bedrooms and a bathroom. The balcony has been omitted from the scheme.
- 1.3 Access to the dwelling would be via the lane/private drive which runs to the west of the shop and along the rear of the gardens and already serves a number of residential dwellings that front the B4326.

2. Policies

Leominster District Local Plan

Policy A2 (Diii) – Settlement Hierarchy
 Policy A9 – Safeguarding the Rural Landscape
 Policy A24 – Scale and Character of Development
 Policy A54 – Protection of Residential Amenity

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1 – Design
H13 – Sustainable Residential Design
Policy H7 – Housing in the Countryside Outside Settlements
Policy H18 – Alterations and Extensions

3. Planning History

92/755 - New post office and store with detached house on south side of road and west of existing store - approved with conditions 29th March 1993.

4. Consultation SummaryStatutory Consultations

4.1 None Required

Internal Council Advice

4.2 The Transportation Manager raises no objection but requests further information regarding off road parking provision for the dwelling. Minimum of three spaces including turning area.

4.3 The Public Right Of Way Manager comments that the proposed development would not appear to affect public footpath SO17a. However the following point should be noted. The applicants should ensure that they hold lawful authority to drive over the public footpath.

5. Representations

5.1 Shobdon Parish Council has no objection to the application subject to suitable vehicle access to rear of the property adjacent to the shop.

5.2 In response to concerns raised regarding deliveries parking and access to the shop, the applicant has submitted the following letter:-

1. Deliveries to the Shop

- We have on average less than 10 deliveries per week.
- They are in the main in vans and delivery is through the front of the shop. This does not cause a problem for customer parking.
- We have one major delivery per week from Booker in Hereford. This comes on a Thursday, is delivered by 7.5t lorry, to the rear of the shop.
- We have discussed with the driver the building of the house and he is happy with access down the lane. To aid manoeuvring we propose to change the entrance at the rear. The existing Gas cage and shed would be moved. This will allow for turning and parking at the rear of the shop without blocking the lane.

2. & 3. Parking to Front of the Shop and Landscaping

- I will deal with these points together as they are linked.
- Since the shop was established in it's present location, parking has developed in a way that utilises a natural flow one way through the parking area. The parking area is large and accomodates cars, lorries and tractors.

- I spoke with the previous owner regarding the landscaping, and parking arrangements.
- Mrs Carmichael advised me that 2 years ago she had a meeting with representatives of the Parish Council and the Highways Department, the result of which, was positive support for the parking arrangements as they exist.
- The natural flow of traffic on and off the car park created a one way system. Vehicles tend to enter the car park from Mortimers Cross end and leave at the opposite.
- I believe parking bays were considered, however, it was felt this would not aid the flow of traffic and in fact restrict parking, especially for the lorries. Current arrangements mean lorries come onto the car park and do not park on the road.
- Landscaping as proposed in the existing plans equally, would not aid traffic flow, and would restrict parking. Our planning application keeps the car park open and optimises space for parking.

5.3 Two letters of representation have been received from M W Lane of Yew Tree House, Shobdon and Joanna and Paul Griffiths, April Cottage, Shobdon who raise the following issues:

- Landscaped area to front of Yew Tree House to be levelled and used for car parking which would cause inconvenience and impact on living conditions of dwellings. Area of landscaping should be retained.
- Concern about where staff will park and where the deliveries would be made.
- Concern about Public Rights Of Way would be blocked by delivery vehicles and would prevent neighbours accessing their properties by car.
- Impact of dwelling as being overbearing and causing a loss of light.
- Privacy and overlooking.

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

6. Officers Appraisal

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

- a) The principle of the development
- b) The impact of the alterations to the design, size and scale of the development
- c) Landscape
- d) Highway safety and parking

6.2 As a dwelling this site has previously been approved and could be constructed at any point in accordance with the existing plans, the principle of residential development on this site has already been accepted. As such the only issues for consideration relate to the amended detail now submitted.

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 lean to area at the rear and this is deemed acceptable. However the building is to be moved by 1m back to allow more landscaping to the front of the property causing additional overlap with the property at Yew Tree House. There is also a slight increase in height. However, there is a 2.5m gap between the dwelling and boundary with Yew Tree House which would reduce any impact on the property.

Having regard to the former approval it is not considered that the proposed dwelling in its current form would not be any more overbearing or cause any additional loss of light to Yew Tree Cottage. Conditioning the removal of Permitted Development Rights to ensure no further increase without planning permission is also recommended and will ensure no windows are placed in this side elevation.

- 6.4 It is also noted that by making the living accommodation at ground floor level and removing the balcony, this would improve the overlooking and privacy impact from the new dwelling onto Yew Tree Cottage despite the introduction to two-second floor dormer windows. As such this proposal is considered to conform with Policy A54 of the Leominster District Local Plan.
- 6.5 There are no highway objections subject to the provision of off road car parking for three cars and a suitable condition is recommended. However there is some concern locally regarding impact on car parking and deliveries. This issue was raised with the applicant and his response is detailed above. Regard is also had to the fact that the dwelling was previously approved on the same application as the shop and these issues addressed. If the dwelling had been erected at the same time as the shop then the shop would never have benefited from the additional space it currently uses. As such a plan is requested showing the car parking and delivery areas to the front and rear of the shop to clarify the situation but it is felt to be unreasonable to suggest that the car park is demarcated. As such there are no highway safety concerns.
- 6.6 On the originally approved plan, landscaping was shown in front of Yew Tree Cottage. In light of the neighbours concerns about potential parking directly in front of the property, and having regard to the fact that this was part of the approved scheme it is considered reasonable to impose a condition which relates to the operation of the shop or demarcation of spaces.
- 6.7 To conclude, the principle of developing the site has already been accepted. The revised internal and external design and appearance of the dwelling would be a minor modification that would have minimal increase in impact on the neighbouring property. There are no highway safety concerns. As such the development is considered to be acceptable and officers are minded to recommend approval subject to the appropriate conditions.

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 - G01 (Details of boundary treatments)

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

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 - E16 (Removal of permitted development rights)

Reason: To safeguard the character and amenities of the neighbouring property.

8 - 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.

Informatives

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

30 DCNW2005/1710/F - IMPROVE FIELD ACCESS AT MARSH VIEW FARM, TUNNEL LANE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HY

For: M & D Harris of same address

Date Received:

20th May 2005

Expiry Date:

15th July 2005

Local Member: Councillor S Bowen

Ward:

Bircher

Grid Ref:

50411, 65839

1. Site Description and Proposal

- 1.1 The application is for the improvement of an existing agricultural field access, into a field on opposite side of the C1046 public highway known as Tunnel Lane to the property known as 'Petra', this is a detached residential dwelling that is not in the control of the applicants.
- 1.2 The application proposes to create a 'pull in' entrance to a newly constructed entrance set back further into the existing field and planting of replacement hedgerow to compensate for the amount of hedgerow to be lost by the proposed development which amounts to 33.7 metres.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and Resources
 A9 – Safeguarding the Rural Landscape
 S24 – Scale and Character of Development
 A41 – Protection of Agricultural Land
 A78 – Protection of Public Rights of Way

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
 S2 – Development Requirements
 S6 – Transport
 S7 – Natural and Historic Heritage
 DR2 – Land use and Activity
 DR4 – Environment
 LA5 – Protection of Trees, Woodlands and Hedgerows
 NC9 – Management of Features of the Landscape Important for Fauna and Flora

3. Planning History

None required.

4. Consultation Summary

Internal Council Advice

4.1 Traffic Manager: Has no objections to the grant of permission.

5. Representations

5.1 Orleton Parish Council state:

‘The Parish Council do not support this application and feel a less radical solution could be achieved at the existing access or at a point close to the village of Orleton.’

5.2 One letter of concern with regards to this application has been received from F R Poulson, Petra, Tunnel Lane, Orleton. The letter can be summarised as follows:-

- Concerns about drainage as quite a large part of the field drains down to the corner by the existing entrance.
- In very heavy rain, water pours under the existing gate onto the road.
- Concerns that if amount of hedge is removed as indicated this water will flow straight into dwellings back driveway.
- Why cannot existing gateway be enlarged?
- Gateway could be placed further down the highway.
- Concerns about mud being deposited in dwellings entrance.

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

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

- 1) Impact on the existing public highway
- 2) Impact on biodiversity
- 3) Impact on the adjacent dwelling

1) Impact on the existing public highway

The Highway Manager has responded to the application with no objection subject to the inclusion of a note with regards to no drainage to be discharged onto the highway. Therefore the concern raised by the owner of the dwelling adjacent to the application site with regard to drainage has been addressed.

2) Impact on biodiversity

The site for the proposed development is an existing agricultural field access, which it is proposed to enlarge and provide a ‘pull in’ in front of the proposed field gate entrance. A section of hedge measuring 33.7 metres will be removed and new species planted further into the existing field to compensate for this loss.

The letter of objection from the member of the public suggests that an entrance could be created further down the highway. This would mean further loss of hedgerow and possibly trees. Also the applicant has stated that a new entrance nearer to the village of Orleton as suggested by the Parish Council would be unable to achieve the visibility splay as required by the Councils Highways Section. The applicant having consulted with the Area Highways Engineer prior to submitting an application for planning consideration.

3) Impact on the adjacent dwelling

The proposed field entrance is slightly to the north west of the property known as Petra and not directly opposite land in control of the owner of Petra, using an entrance into the field that is already in existence. The letter of concern from the owner of this property raises concerns about mud being deposited on the public highway from the proposed enlarged entrance. The creation of a pull in adjacent to the public highway prior to entering the existing field and therefore loss of part of the field for creation of this entrance will help to address this issue. It is proposed that a note be attached to any approval notice Committee are mindful to issue bringing the applicants attention to this issue. The issue about drainage has already been discussed previously.

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 - **G12 (Planting of hedgerows which comply with Hedgerow Regulations)**

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

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

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

Informatives

- 1 - **HN10 - No drainage to discharge to highway**
- 2 - **HN01 - Mud on highway**
- 3 - **N15 – Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

31 DCNW2005/1819/F - USE OF LAND AND ERECTION OF WORKSHOP AND OFFICE FOR COACH HIRE BUSINESS AT PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE

For: Mr Taylor per The Land Use Consultancy, 141 Bargates, Leominster, Herefordshire, HR6 8QS

Date Received:

1st June 2005

Ward:

Mortimer

Grid Ref:

40473, 73584

Expiry Date:

27th July 2005

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The site lies outside of the designated development limits of the settlement as indicated in the Leominster District Local Plan, identified as Flood Zone 3 and therefore liable to flooding during the 1 in 100 year flood event. The site is also designated in the Local Plan as a Landscape Protection Area therefore Policy A9 on Safeguarding the Rural Landscape in the Local Plan is relevant to this application.
- 1.2 The site is a green field site, located adjacent to a heavy industrial equipment site. Access is via the unclassified public highway that runs along the westerly boundary. There are commanding views over the surrounding countryside from the site.
- 1.3 The application proposes the erection of a steel framed maintenance building and attached office and toilet block and use of the land for parking of coaches in connection with an existing business that operates on another site.

2. Policies

Planning Policy Guidance Note 25 – Development and Flood Risk

Planning Policy Guidance Note 4 – Industrial and Commercial Development and Small Firms.

Leominster District Local Plan

A1 – Managing the District's Assets and Resources

A6 – Sites of Local Importance for Nature Conservation

A9 – Safeguarding the Rural Landscape

A15 – Development and Watercourses

A23 – Creating Identity and an Attractive Built Environment

A24 – Scale and Character of Development

A25 – Protection of Open Areas or Green Spaces

A35 – Small Scale New Development for Rural Businesses within or around Settlements

A41 – Protection of Agricultural Land

Herefordshire Unitary Development Plan (Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S4 – Employment
DR1 – Design
DR2 – Land Use and Activity
DR4 – Environment
DR7 – Flood Risk
E8 – Design Standards for Employment Sites
E11 – Employment in the Smaller Settlements and Open Countryside
E15 – Protection of Greenfield Land
LA5 – Protection of Trees, Woodlands and Hedgerows
LA6 – Landscaping Schemes
NL1 – Biodiversity and Development
NL4 – Sites of Local Importance
HBA9 – Protection of Open Areas and Green Spaces

3. Planning History

3.1 There is no record of any planning history on the application site.

4. Consultation SummaryStatutory Consultations

4.1 Environment Agency object to the proposed development stating that the site is located within Flood Zone 3 and may therefore be at risk of flooding during the 1 in 100 year flood event. They further state that no flood risk assessment has been submitted in line with PPG25 - Development and Flood Risk and the Agency's Flood Risk Standing Advice (FRSA). The response also states concerns with regards to the proposed method of foul drainage and that a graduate risk assessment may be required for the method of foul drainage from the site is proposed.

Internal Council Advice

- 4.2 The Environmental Health Manager has no observation.
- 4.3 Highways Manager recommends that any permission include conditions with regards to visibility splays, turning and parking. Junction improvement/off site works, and notes to be attached with regards to mud on highway, works within the highway, Section 278 Agreements, Section 38 Agreement details, no drainage to discharge on highway and works adjoining highway.
- 4.4 Forward Planning Manager has responded to the application with concerns about the proposed development with regards to environment issues and that the location is outside the development limit of the Settlement, however the response does stress that the site is well related to existing employment generating schemes in close proximity. The response further states that any application of this nature needs to demonstrate that the level of development can be clearly related to the employment needs of the local economy and should clearly demonstrate that there are no other suitable sites readily available within the Settlement Boundary for the proposed development.

5. Representations

- 5.1 Leintwardine Parish Council have no objections to the proposed development and state in their response:

"Whilst there is no objection the meeting felt there should be a safety check for access and egress with perhaps an entrance 'splay'. Furthermore the application involves a change of use from agricultural to industrial and appropriate authority should be sought."

- 5.2 One letter in support accompanied the application from Mr R F Batt, 28/30 Watling Street, Leintwardine, Craven Arms, Shropshire, SY7 OLW. This letter can be summarised stating that he and his wife Heather own and run the village shop and that the village needs small businesses which provide employment in the area in order to help it from becoming a retirement area only.
- 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 proposes change of use of land and erection of a workshop and office for a coach hire, business on land that is undesignated for any particular use and is located outside the recognised development limits of the settlement as stated in the Leominster District Local Plan.
- 6.2 The site is also within Flood Zone 3 as indicated on the Environment Agency's data maps and as such the Environment Agency has responded to the application with an objection stating that no flood risk assessment has been submitted in line with PPG25 – Development and Flood Risk and the Agency's Flood Risk Standing Advice (FRA), to ensure that the site can be development and occupied safely. They further state that the site is 'operational development' within Flood Zone 3.
- 6.3 Planning Policy Guidance Note 25 on Development and Flood Risk states with reference to proposed development in paragraph 20

"Providing an assessment of whether any proposed development is likely to be affected by flooding and whether it will increase flood risk elsewhere and of the measures proposed to deal with these effects and risks; and

Satisfying the Local Planning Authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely."

- 6.4 PPG25 advises Planning Authorities if mindful to approve such application that the Agency should be re-notified to explain why material considerations outweigh the objection and to give the Agency the opportunity to make full representations. These comments are contained in the Agency's response to this particular application.

- 6.5 Policy A35 on Small Scale Development for Rural Businesses within or around Settlements in the Leominster District Local Plan states that proposals for new sites accommodating employment generating uses and rural businesses within or around settlements will only be permitted where there are no suitable sites within the existing Settlement Boundary and where they comply with the criteria listed in Policy A1 which in this particular instance refer to environmental policies. Policy E10 of the emerging Herefordshire Unitary Development Plan also requires that applicants for development of this nature demonstrate that the level of development can be clearly related to the employment needs of the local economy and that no other suitable sites are readily available within the development limits.
- 6.6 The application gives no indication to measures taken to seek out alternative sites within the development boundary. The proposed development is not within or adjacent to the boundary and is located on an existing Greenfield site, that is not designated for employment use. There are commanding views from the site of the surrounding countryside and although the applicants propose to introduce random formal tree plantings around the perimeter of the application site, the proposal development will have a significant visual detrimental impact on the surrounding countryside, the site designated as Landscape Protection Area in the Leominster Local Plan and also located within close proximity (160 metres to the north east) of a SSSI site.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 - The application site is within Flood Zone 3 as indicated on the Environment Agency's Flood data maps and no flood risk assessment has been submitted with the application. Therefore the application is contrary to guidance given in Planning Policy Guidance Note 25 on Development and Flood Risk and Policy A15 on Development and Watercourses in the Leominster District Local Plan.**
- 2 - The application lacks sufficient evidence on attempts made to secure alternative sites within the designated settlement boundary and that the level of development can be clearly related to the employment needs of the local economy. The proposal is therefore contrary to Policy A35 in the Leominster District Local Plan on Small Scale New Development for Rural Businesses within or around Settlements and Policy E10 on Employment proposals within or adjacent to main villages in the emerging Herefordshire Unitary Development Plan.**
- 3 - It is considered that the proposal will have a detrimental impact upon the visual amenity of the area and therefore contrary to Policy A9 of the Leominster District Local Plan.**

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.