

# A G E N D A

## Northern Area Planning Sub-Committee

Date: **Wednesday, 10th August, 2005**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 13th July, 2005.	1 - 22
4. <b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
5. <b>ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	23 - 26
6. <b>REPORTS BY THE HEAD OF PLANNING SERVICES</b> To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.  Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.  Agenda items 7, 8, 9 and 10 are applications that were deferred for site inspections at the last meeting and items 11 to 19 are new applications.	
7. <b>DCNW2004/3784/O - SITE ADJOINING OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ</b> Site for residential development.  Ward: <b>Bircher</b>	27 - 32

- |     |  |         |
|-----|--|---------|
| 8.  | <b>DCNW2004/3790/O - LAND OPPOSITE OVERTON FARM, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HZ</b>   | 33 - 38 |
|     | Site for new farm shop with restaurant facility.   |         |
|     | Ward: <b>Bircher</b>   |         |
| 9.  | <b>DCNW2005/1288/F - THE OLD VICARAGE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU</b>   | 39 - 48 |
|     | Proposed 2 single storey extensions, change of use of ground floor to restaurant and new vehicular access.                                       |         |
|     | Ward: <b>Mortimer</b>  |         |
| 10. | <b>[A] DCNC2004/3030/F AND [B] DCNC2004/2831/C - 25 NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DR</b>   | 49 - 52 |
|     | [A] Demolition of a single dwelling and the erection of 5 no. dwellings.   |         |
|     | [B] Demolition of single dwelling.   |         |
|     | Ward: <b>Leominster South</b>  |         |
| 11. | <b>DCNW2005/0688/F - LAND ADJACENT TO KINGSMEADOW, WIGMORE</b>   | 53 - 60 |
|     | Residential development scheme of 14 no. houses, incorporating 2/3 and 4 bedroom semi-detached two storey dwellings off A4110.                   |         |
|     | Ward: <b>Mortimer</b>  |         |
| 12. | <b>[A] DCNW2005/1217/F AND [B] DCNW2005/1219/C - LAND ADJACENT THE OLD CORNER HOUSE, BROAD STREET, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SA</b> | 61 - 68 |
|     | [A] Proposed alterations to existing vehicular access, erection of two dwellings and ancillary studio building and garages.                      |         |
|     | [B] Partial demolition of boundary wall to alter vehicular access and erection of two dwellings and ancillary studio building and garages.       |         |
|     | Ward: <b>Golden Cross with Weobley</b>   |         |
| 13. | <b>DCNW2005/1888/F - ARROW BANK CARAVAN PARK, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BG</b>   | 69 - 76 |
|     | Removal of Condition 9 attached to Appeal decision (Planning Ref. 94/0672/C and 95/0053/C) siting of caravans.                                   |         |
|     | Ward: <b>Golden Cross with Weobley</b>   |         |
| 14. | <b>DCNW2005/2258/F - THE BIRCHES, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ</b>  | 77 - 82 |
|     | Erection of dwelling with integral garage.   |         |
|     | Ward: <b>Castle</b>  |         |
| 15. | <b>DCNC2005/1870/F - 5 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ</b>  | 83 - 86 |
|     | Two storey extension to create 2 x one bedroom flats.  |         |
|     | Ward: <b>Bromyard</b>  |         |

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| 16. | <b>DCNC2005/0529/F - THORNBURY COURT, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NJ</b>  | 87 - 90  |
|     | Conversion of farm buildings to 6 dwellings.   |          |
|     | Ward: <b>Bringsty</b>  |          |
| 17. | <b>DCNC2005/1774/F - 67 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JH</b>   | 91 - 94  |
|     | First floor extension.   |          |
|     | Ward: <b>Leominster South</b>  |          |
| 18. | <b>DCNC2005/1817/F - UPPER EDGLEY FARM, STOKES LANE, STOKE LACY, BROMYARD, HEREFORDSHIRE, HR7 4HD</b>  | 95 - 98  |
|     | T-mobile share on 5m extension of the existing 25m telecomms tower. To include 3 new OPCS antennae and 3 new OPCS dishes, 2 new T-Mobile antennae, 1 new T-Mobile dish and a new T-Mobile cabinet. |          |
|     | Ward: <b>Bromyard</b>  |          |
| 19. | <b>DCNC2005/1854/F - LOWER BROCK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QS</b>  | 99 - 102 |
|     | Erection of detached garage and detached outbuilding for workshop/storage ancillary to the dwelling.   |          |
|     | Ward: <b>Upton</b>   |          |
| 20. | <b>DATE OF NEXT MEETING</b>  |          |
|     | To note that the next meeting will be held at 2.00 p.m. on Wednesday 7th September, 2005.  |          |



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**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 13th July, 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, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, Brig. P. Jones CBE, R.M. Manning, R.J. Phillips, D.W. Rule MBE, R.V. Stockton, J. Stone and J.P. Thomas

**22. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R.B.A. Burke, P. Dauncey, Brig. P. Jones CBE and R. Mills.

**23. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
J.P. Thomas	<p>Item 11 - DCNC2005/1075/O - Site For Residential Development Downs Garage At 70a, South Street, Leominster, Herefordshire, HR6 8JF</p> <p>For: Mr. D. Rowland Jones &amp; Mrs. A.J. Jones of Brookend, Kingsland, HR6 9SF &amp;</p> <p>Item 25 - 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</p> <p>For: Wicks Consultancy per Mr. Stephen Funge, Architectural Design, Dartmoor View, Queen Street Winkleigh, Devon, EX19 8JB</p>	Prejudicial and left the meeting for the duration of this item
R.M. Manning	<p>Item 13 - DCNE2005/0960/F - Two Storey Extension To The Rear Of The Property At 7 The Hopkilns, Bishops Frome, Worcester, WR6 5BP</p> <p>For: Mr. &amp; Mrs. M.J. McGladdery per Lett &amp; Sweetland Architects, 58 London Road, Worcester, WR5 2DS</p>	Personal and left the meeting after making a statement at the beginning of the item

**24. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15th June, 2005 be approved as a correct record and signed by the Chairman.

**25. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

**26. ITEM FOR INFORMATION - APPEALS**

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

**27. APPLICATIONS RECEIVED**

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

**28. 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**

The receipt of a further letter from the applicant was reported. The Northern Team Leader said that, at the Site Inspection, some concerns had been expressed by Members about the boundary wall but investigations had revealed this to be Victorian and not listed. He also explained that the storage area nearby was not part of the application site.

Councillor B.F. Ashton, one of the Local Ward Members, had reservations about several aspects about the application which included the lack of car parking provision and the adverse impact that the Scheme was likely to have on the adjoining Grade II Listed Building. He did not consider that the scheme was in keeping with a small historic market town. The Sub-Committee shared the concerns of Councillor Ashton and were mindful to refuse the application.

**RESOLVED: THAT the Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below and any further reasons for refusal felt to be necessary by The Head of Planning Services, provided that The Head of Planning Services does not refer the application to the Planning Committee: -**

**The Scheme would have a fundamental impact upon the Townscape, Conservation Area and Grade II Listed Building and would exacerbate problems for on-street car parking due to the lack of off street parking provision.**

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

***(Note: The Northern Team Leader said that, given that the Sub-Committee had considered the planning policy issues, he would not refer the matter to the Head of Planning Services.)***

29. 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

**RESOLVED: THAT**

**DCNC2005/0545/F**

**Planning permission be granted subject to the following conditions:**

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

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

- 2 - B01 (Samples of external materials)

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

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

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

**Informative:**

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

**DCNC2005/1081/L**

**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

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

Councillor J. Stone, the Local Ward Member, had a number of objections about the application because of its impact on the adjoining Bank Cottage and the adverse effect it would have on the nearby residential area. He also had concerns about the proposed density of development which he felt was not in keeping with the Local

Conservation Area.

Whilst mindful of the concerns raised by Councillor Stone, the Sub-Committee did not consider there to be sufficient grounds for refusal and a motion that the application should be refused was lost.

**RESOLVED: THAT**

**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**

**31. 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**

The receipt of two further letters of representation and one letter from the agent acting on behalf of the applicant were reported.

In accordance with the criteria for public speaking Mr. Armstrong spoke against the application and Mr. Campbell, the agent acting on behalf of the applicant, spoke in favour of the application.

Councillor T.W. Hunt, the Local Ward Member, had certain reservations about the application but considered that it was preferable for Planning Permission to be granted so that the activities on the site could be carefully controlled by planning conditions.

**RESOLVED: THAT**

**1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990, to 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 in consultation with the Local Ward Councillor, subject to the following conditions and any further conditions deemed to be necessary by the officers:**

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

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

**2. 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)**

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

In the absence of the Local Ward Member the Committee decided to defer consideration of the application.

**RESOLVED: THAT consideration of the application be deferred.**

**33. 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**

In accordance with the criteria for public speaking Mr. W. James spoke against the application and Mr. Davies, the applicant's agent, spoke in favour.

**RESOLVED: THAT**

**NE05/0589/F**

**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**

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**

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

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

**RESOLVED: THAT**

**Planning permission be granted subject to the following conditions:**

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

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

**2 - 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**

**35. DCNE2005/1103/F & DCNE2005/1104/- CHANGE OF USE OF REDUNDANT MASONIC HALL TO RESTAURANT AT THE ROYAL OAK HOTEL, THE SOUTHEND, LEDBURY, HR8 2EX**

In accordance with the criteria for public speaking, Mr. Nudds-Hunter spoke against the application.

**RESOLVED: THAT**

**NE05/1103/F**

**Planning permission be granted subject to the following conditions subject to the Local Ward Member being consulted about the provision of access for disabled persons:**

**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**

**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****36. 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.**

The receipt of two letters of objection was reported.

**RESOLVED: THAT**

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**

**37. 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**

In accordance with the criteria for public speaking, Mr. Adams spoke in favour of his application.

**RESOLVED: THAT**

**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**

**38. 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**

Councillor J.P. Thomas, one of the Local Ward Members, had concerns about the application because it was contrary to policy A33 of the Leominster Local Plan Policy TCR9 of the Draft Deposit Herefordshire Unitary Development Plan regarding the restriction of the sale of goods. The Sub-Committee shared the concerns of Councillor Thomas about the loss of the Crèche and Post Office at the stores and agreed that the application should be refused.

**RESOLVED: THAT**

**The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below and any further reasons for refusal felt to be necessary by The Head of Planning Services, provided that The Head of Planning Services does not refer the application to the Planning Committee: -**

**The Scheme does not comply with planning policy TCR9 and involves the loss of a community facility.**

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

***(Note: The Northern Team Leader said that given that the Sub-Committee had considered that planning policy issues, he would not refer the matter to the Head of Planning Services)***

**39. 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**

**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.

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

The receipt of a letter from the agent acting on behalf of 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 - 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**

**41. 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**

It was reported that the application had been withdrawn at the request of the applicant.

**42. 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**

The receipt of a letter from the applicant about car parking usage by staff and clients was reported.

Councillor B. Hunt, the Local Ward Member, had some concerns about the car parking and therefore asked that officers be delegated to grant permission in consultation with him after ascertaining if additional parking spaces could be secured by the applicants.

**RESOLVED:**

**That the officers named in the Scheme of Delegation to Officers be delegated to grant planning permission in consultation with the Local Ward Member after**

ascertaining if additional parking spaces could be secured and subject to the following conditions:

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

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

2 - A06 (Development in accordance with approved plans) (received and date stamped 23rd 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

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

RESOLVED: 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

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



**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.

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

**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.

46. **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**

**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.

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

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

**RESOLVED: 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

48. **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**

The receipt of a letter of objection from the owner of The Bank adjoining the application property was reported. The objector had raised concerns about the boundary wall between the properties and the Planning Officer suggested that this could be covered by a note referring to the Party Wall Act.

**RESOLVED: THAT**

**NW2005/1504/F**

**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

**49. 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**

In accordance with the criteria for public speaking, Mr. Jackson of Leintwardine Parish Council and Mr. Campbell Kerr spoke against the application.

The Sub Committee had a number of reservations about the application. Members were concerned at the size and scale of the proposed development which they felt would not be in keeping with the adjoining properties or the rest of the village. They had reservations about the impact on Plough Cottage, the nearby Grade II listed building and also on the Leintwardine Conservation Area. They considered that the scheme would over-develop the site and that car-parking provision was inadequate. The scheme did not accord with the adopted Leintwardine Village Design Statement. They took note of the fact that an appeal decision on the 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). Notwithstanding this they felt that the guidance was outweighed by the adverse impact which they felt that the scheme would have.

The Principal Planning Officer pointed out that the application complied with the Council's planning policies and Government housing density guidelines and that the Highways Department was satisfied with the access proposals.

**RESOLVED: THAT**

- (a) The Northern Area Planning Sub-Committee is minded to refuse the application for the following reasons and any further reasons felt to be necessary by the Head of Planning Services:**

**The application site occupies a prominent and relatively elevated position within a predominantly low density residential area, the landscape quality of which is recognised by its designation within a Landscape Protection Area. The proposed development by reason of the scale, massing and number of dwellings, would result in cramped and unacceptable over-development and the loss of important open space, detrimental to the character and appearance of the site and its environs.**

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

***(Note: The Northern Team Leader said that because of the planning policies involved he would need to refer the application to the Head of Planning Services.)***

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

**RESOLVED: 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****51. DCNW2005/1710/F - IMPROVE FIELD ACCESS AT MARSH VIEW FARM, TUNNEL LANE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HY**

In accordance with the criteria for public speaking, Mr. Harris the agent acting on behalf of the applicant spoke in favour of the application.

**RESOLVED: THAT**

**Planning permission be granted subject to the following conditions**

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

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

**2 - 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**

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

In accordance with the criteria for public speaking, Mr. Jackson of Leintwardine Parish Council and Mrs. Johnson, the agent acting on behalf of the applicant, spoke in favour of the application.

Councillor Mrs. L.O. Barnett, the Local Ward Member, spoke in favour of the application and asked for approval to be granted. The Sub-Committee discussed the salient points of the application and had some concerns about the views of the Environment Agency. The Northern Team Leader said that if the applicant could satisfy the requirements of the Environment Agency, Planning Permission could be granted.

**RESOLVED: THAT**

**The Officers named in the Scheme of Delegation to Officers be delegated to approve the application, subject to the applicant first satisfying the requirements of the Environment Agency and the Environment Agency withdrawing its objection to the application, subject to any conditions felt to be necessary by the Officers.**

**CHAIRMAN**





<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNW2004/3353/F**

- The appeal was received on 12th July, 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 Kington Building Supplies.
- The site is located at Sunnydale, Floodgates, Kington, Herefordshire, HR5 3NE.
- The development proposed is Removal of existing bungalow & garage, proposed three cottage type dwellings.
- The appeal is to be heard by Written Representations.

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

**Application No. DCNC2004/4002/F**

- The appeal was received on 1st July, 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 Lloyds TSB Group Plc.
- The site is located at Lloyds TSB Bank, 9 Corn Square, Leominster, Herefordshire, HR6 8LT.
- The development proposed is Proposed external disabled ramp.
- The appeal is to be heard by Written Representations.

**Case Officer: Astrid Jahn on 01432 261560**

**APPEALS DETERMINED****Application No. EN2004/0052/ZZ**

- The appeal was received on 15th December, 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. M.A. Leake.
- The site is located at Horners Mill, Whitbourne, Herefordshire.
- The breach of planning control alleged in this notice is "Without planning permission change of use of an open storage building for the storage and repair of wooden pallets."
- The requirements of the notice are: Cease the use of the open storage building for the storage and repair of wooden pallets.
- The main issue is the land to which the notice relates extends beyond the building referred to in the description of the breach.

**Decision:** The appeal was Quashed on 22nd July, 2005.

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

**Application No. DCNC2004/1894/F**

- The appeal was received on 17th November, 2004.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. Leake.
- The site is located at Horners Mill, Ladywood, Whitbourne, Worcester, Herefordshire, WR6 5RY.
- The application, dated 22nd April, 2004, was refused on 3rd August, 2004.
- The development proposed was Use of open storage building for repair of wooden pallets, vehicle operations will be with 3 ton LV.
- The main issue are: the effect of the development on the safety and free flow of traffic on the approach roads to the site and its impact on the living conditions of occupiers of nearby dwellings in terms of disturbance due to noise.

**Decision:** The appeal was DISMISSED on 22nd July, 2005.

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

**Application No. DCNW2004/3846/O**

- The appeal was received on 17th 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 Mr. L. Morgan.
- The site is located at Land adjacent to Wisteria Cottage, Leintwardine, Craven Arms, Herefordshire, SY7 0LS.
- The application, dated 20th October, 2004, was refused on 30th December, 2004.
- The development proposed was Site for the erection of one dwelling.
- The main issue is the proposal would involve residential development in the countryside.

**Decision:** The appeal was **DISMISSED** on 19th July, 2005.

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

**Application No. EN2004/0036/ZZ**

- The appeal was received on 4th November, 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. K. Brandwood.
- The site is located at Land at Dingle Top, Staunton-on-Arrow, Leominster, Hereford, HR6 9LE.
- The breach of planning control alleged in this notice is "Without planning permission, change of use of the land from use for garden purpose to use for the siting of two caravans for residential purposes, a building erected around them and a further building erected for the storage of domestic items".
- The requirements of the notice are:
  1. Cease the residential use of the land.
  2. Remove the caravans from the land.
  3. Demolish the building surrounding the caravans.
  4. Demolish the building containing the domestic items.
  5. Remove all materials that arise from the removal of the caravans and demolition of the buildings from the land.
- The main issue is the 6 months period for compliance with the requirements of the notice, which does not start to run until the date of this decision.

**Decision:** The Notice and plan are corrected; subject thereto the appeal is dismissed and the notice is upheld on 1st July, 2005.

**Case Officer: Yvonne Coleman on 01432 383090**

**Application No. DCNC2004/3394/F**

- The appeal was received on 10th February, 2005.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mrs. L. Gore.
- The site is located at Southley Barn, Woonton, Leominster, Herefordshire, HR6 0HL.
- The application, dated 20th September, 2004, was refused on 18th November, 2004.
- The development proposed was Single storey and two storey extensions.
- The main issue is the effect of the proposed development on the character and appearance of the countryside.

**Decision:** The appeal was **DISMISSED** on 30th June, 2005.

**Case Officer: Astrid Jahn on 01432 261560**

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



**7 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 W.L.S. Bowen

### **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 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 Summary**Statutory 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.



**8 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 W.L.S. Bowen

### **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 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 Summary**Statutory 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.





**9 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 per Bryan Thomas  
Architectural Design Ltd, The Malt House, Shobdon,  
Leominster, Herefordshire, HR6 9NL**

**Date Received: 20th April, 2005      Ward: Mortimer      Grid Ref: 42614, 65252**

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

Local Member: Councillor Mrs. L.O. Barnett

A Member site visit took place on the 26th July, 2005. Members were made aware of an amended plan that had been submitted on the 15th July, 2005.

The amended plan revises the route of the access which would now be retained within the garden of "Porch House" joining with the existing access road which leads from the A4110, alongside the church, through the car park and onward towards "Vicarage Cottage".

Highways have raised no objection to this revised scheme, but suggest an additional condition – HO8 – relating to Access closure.

Additional letters of objection have also been received and the following report has been updated accordingly.

## **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 Summary

### Statutory 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](http://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. P.J. 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 (x2)  
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  
Mr. & Mrs. J. Heale – Aymestrey Court, Aymestrey

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.
- The garden of the roadside cottage would be totally lost and the front wall demolished ruining a charming village.
- People attending would have to go in the entrance of the restaurant to get to church car park.
- Access for emergency vehicles?
- Waste removal and accumulation – how will this be accounted for?
- Landscaping should be provided between Vicarage Cottage and the driveway.
- Are conditions imposed enforceable?

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 in substantial grounds behind the dwellings, which front the highway. 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 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. The revised access route, through the garden of Porch House, does raise some concern regarding the loss of amenity space and impact on the amenities of the occupants of the dwelling itself. However, this remains in the ownership of the dwelling and impact could be mitigated with the use of fencing and landscaping. Retention of some of the existing trees and boundary hedge adjacent to the car park would be expected.
- 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 Traffic 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 one that 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. Furthermore, 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. Landscaping between Vicarage Cottage and the driveway should also be retained and enhanced. Conditions are recommended to secure this.
- 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 vehicular access would not cause any highway safety concerns. Conditions are recommended which would prevent the use being un-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.



**10A DCNC2004/3030/F - DEMOLITION OF A SINGLE DWELLING AND THE ERECTION OF 5 NO. DWELLINGS AT 25 NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DR**

**10B 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

### **Introduction**

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

### **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 Summary**Statutory 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) (5th 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.

**11 DCNW2005/0688/F - RESIDENTIAL DEVELOPMENT SCHEME OF 14 NO HOUSES, INCORPORATING 2/3 AND 4 BEDROOM SEMI-DETACHED TWO STOREY DWELLINGS OFF A4110 LAND ADJACENT TO KINGSMEADOW, WIGMORE**

**For: Hornchurch Construction Co Ltd, Johnson Blight & Dees, Mortimer House, Holmer Road, Hereford, HR4 9TA**

**Date Received: 2nd March, 2005**

**Ward: Mortimer**

**Grid Ref: 41682, 68616**

**Expiry Date: 27th April, 2005**

Local Member: Councillor Mrs. L.O. Barnett

**1. Site Description and Proposal**

- 1.1 The application site comprises an unused 0.387 hectare plot of land that lies between the A4110 and the Kingsmeadow housing estate to the south of the main part of the village of Wigmore. The site was allocated for employment land in the Leominster District Local Plan but has not been developed. Access to the site is via an existing highway which leads to the Teme Valley Youth Centre at the south end of the site. The site is set down considerably from the A4110 and a mature hedgerow screens the site significantly.
- 1.2 The proposed development is for the erection of 14 dwellings including 2 four bed dwellings, 8 three bed and 4 two bed dwellings. The 4 two bed dwellings would face onto the main Kingsmeadow road and the remaining dwellings would face the existing access road. Each of the three and four bed dwellings would have access to a detached garage. The 4 two bedroom dwellings have been set aside for the affordable housing provision on this site and have 8 car parking spaces allocated for their use.

**2. Policies**

**2.1 Government Guidance**

Planning Policy Guidance 3: Housing

**2.2 Leominster District Local Plan**

Policy A2(C) – Small Scale Development within Defined Settlements Boundaries

Policy A24 – Scale and Character of Development

Policy A54 – Protection of Residential Amenity

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

Policy H4 – Main Villages

Policy H13 – Sustainable Residential Design

Policy H15 - Density

Policy HBA4 – Setting of Listed Buildings

### 3. Planning History

- 3.1 NW2003/0720/F - Site for residential development - refused 22nd April 2003 for the following reason:

“The proposal would result in the loss of allocated employment land to a non-employment generating use that would be contrary to Policy E3 of the Hereford & Worcester County Structure Plan and Policies A27 and MOR1 of the adopted Leominster District Local Plan (Herefordshire).”

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Severn Trent Water - has no objections but recommends conditions.

#### Internal Council Advice

- 4.2 The Traffic Manager requests conditions be included in the permission and that a S106 agreement is entered with a developer contribution of £1500 per dwelling towards highway schemes such as:

Sealing of Youth Club Car Park  
Contribution towards skate park  
Providing signs for youth club  
Contribution towards public transport  
Provide cycle parking at school  
Provide cycle parking at youth centre

- 4.3 The Forward Planning Manager comments as follows:

#### **Hereford Local Plan**

The Northern Parishes Local Plan included the undeveloped area of Kingsmeadow as the new employment area for the village. This is the designation in Leominster District Local Plan, the Statutory Local Plan for the area. The only part of it that has been developed is the Teme Valley Youth Centre at the south end, which was approved on appeal in 1998 (officers had recommended approval). The owners have been seeking residential permission and an outline planning application for residential development was refused in 2003 (Code NW2003/0720/O) as contrary to policies A27 and MOR1 of that plan, and Policy E3 of the UDP Draft Deposit.

#### **Unitary Development Plan**

The designation was retained in the Deposit Draft UDP, but members deleted the designation in the Revised Deposit Draft. No alternative allocation was placed on the land, which remains in the Settlement Boundary. The employment designation no longer exists in the Revised Deposit Draft and no objections have been received to its proposed deletion.

As a site within the Settlement boundary with no designation, either industrial or residential use would appear to be acceptable in principle in accordance with the Revised UDP. The housing proposal would have the status of a large windfall site for



14 houses. Under the UDP it would stand to be determined against Policy H4, which allows windfalls in accordance with housing design and other policies of the plan. Policy H9 requires affordable housing at an indicative rate of 35% on sites of 6 or more dwellings for windfalls in H4 settlements. The proposal contains none. However the Affordable Housing Policy of the UDP is subject to objection, and the equivalent policies of the adopted Leominster District Local Plan should prevail. Policy A49, concerning affordable housing on large housing sites including windfalls, provides for the Local Planning Authority to negotiate an element of affordable housing where "a lack of affordable housing can be demonstrated". It goes on to say that sites of over 0.5 ha or 15 dwellings shall be evaluated for their suitability to meet needs of the locality and surrounding area. The proposal is for 14 houses on 0.26 ha, so evaluation may not be necessary.

### **Summary**

It appears that whilst there is no allocation on the Wigmore site, development of a residential nature could be acceptable under Revised Deposit Draft UDP Policy. Under the adopted Leominster District Local Plan, development of a residential nature may still be held contrary to policy for similar reasons as to those of the 2003 application refusal.

#### **4.4 The Strategic Housing Manager makes the following comments:**

Strategic Housing Services supports the application for the provision of 4 affordable dwellings on this site, taking into account the position as regards the emerging UDP. However, there are concerns about the "segregation" between the market and affordable housing provision. The proposals, as they stand, do not encourage the formation of an inclusive community on the development, and therefore, further discussions on this point would be welcome between the Registered Social Landlord (RSL), the Council and the developer. In addition, discussions are required on the tenure of the affordable homes proposed and the way in which the proposed 4 x 2 bed homes would be managed to ensure they would be accessible to small households.

#### **4.5 The Education Asset Management Officer makes the following comments:**

The provided schools for this site are Wigmore Primary and Wigmore High Schools. Although there is currently some space in the Primary School, Wigmore High School is already exceeding capacity and any additional pupils would add to the congestion in the school.

At Wigmore Primary School, classrooms are small and withdrawal areas are multi-use spaces. The hall is used as a major thoroughfare providing access to all areas of the school. The stage is on a split level to the hall causing problems for the school and is also used as a multi-use space. There is a general lack of cloakroom space for pupils and the existing areas double as entries to the toilet areas; for two cloakroom areas, the sink for practical work within the classrooms is contained adjacent to the hanging of coats and bags and poses health and safety issues as well as being inconvenient for the classrooms and difficult to supervise. One cloakroom area also acts as an external exit to a classroom and is located via some steps in the classroom. Storage is an issue at the school as most routes into classrooms and toilet areas are also designated as open storage areas due to a lack of specific storage areas throughout the school. The disabled toilet door also blocks the main corridor in the school when it is open.

At Wigmore High School, there is considered to be a lack of storage at the school for the curriculum and insufficient resource areas. There is inadequate circulation throughout the school and inadequate pupil facilities especially toilet areas and cloakrooms for the number of pupils on roll. There is a problem with temperature regulation throughout the school especially with the IT rooms; this is hindered further by the south facing aspect of the school. Most classrooms are small, particularly technology which also have non-standard shaped classrooms making supervision difficult. Staff facilities are inadequate with small offices and toilet areas that are difficult to access.

Children's Services would therefore be looking for a contribution towards Education in the area that would go towards rectifying some of the issues identified above. A contribution in the region of £1,000 per house would be sought i.e. £14,000.

- 4.6 The Conservation Manager raises no objection subject to the retention of the hedge to the boundary with the A4110.

## 5. Representations

- 5.1 Parish Council raises objection TO not the proposal as follows:

A better alternative would be the erection of fewer but larger houses to meet the needs of growing families already resident in Kings Meadows/the area to avoid the necessity to upgrade existing housing facilities by extensions. At the same time, the mound of earth at the back of existing houses on the site could be levelled/removed and further, smaller housing erected in its place - possibly to accommodate the needs of young people wishing to remain in the area.

- 5.2 Letters of representation have been received from:

Veronica Edwards, Oaklea, Kingsmeadow, Wigmore  
Ivan and Cathleen Jones, Croft View, 2 Bury Court Park, Wigmore  
Jill Fieldhouse, Pear Tree Farm, Wigmore

The objections can be summaries as follows:

- a) Not enough space to build 14 houses
  - b) Four no Three or four bedroom houses would be more acceptable and would reduce the environmental impact and improve quality of life for residents
  - c) The use of brick would be more appropriate
  - d) Little public transport serving Wigmore
  - e) Increase in traffic and not enough parking spaces
  - f) Lack of facilities on Wigmore to cope with additional housing
  - g) Insufficient car parking
  - h) Light pollution - can additional street lighting be avoided
  - i) Impact on flooding of area
  - j) Concern over loss of hedgerow
  - k) Density of development is too high leading to poor quality of life
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

6.1 The main issues for consideration in the appraisal of this application are:

- a) The principle of residential development
- b) The provision of affordable housing
- c) The character and appearance of the development
- d) Highway safety and parking
- e) Financial contributions for highways and education

6.2 The acceptability of the principle of development has been summarised in the comments of the Forward Planning Manager above. The site clearly lies within the Settlement Boundary and it has been accepted that due to the lack of objection to the removal of the employment land allocation and the status of the Unitary Development Plan, the use of the site for residential purposes would be deemed acceptable.

6.3 Policy H9 of the Unitary Development Plan (Revised Deposit Draft) and guidance contained within the Supplementary Planning Guidance on Affordable Housing (November 2004) advises that residential developments of 6 units or more provide an element of affordable housing on site. Although Strategic Housing does not support the 'segregation' of dwellings, the proposed affordable units would be well related to other open market houses on the estate and as such is sufficiently inclusive. The affordable units would subsequently be transferred to a Housing Association. As such this proposal in terms of the type, size and tenure of units is considered acceptable in accordance with Policy H9 of the Herefordshire Unitary Development Plan.

6.4 The proposal is to accommodate 14 dwellings on a site of 0.387 hectare. This would provide a density of 36 dwellings per hectare, within the suggested densities of 30 – 50 dwellings per hectare contained in PPG3 – Housing. The agent has, on officer request, included 2 four-bedroom dwellings in the scheme, a direct response from local concerns about lack of availability of four bed dwellings in the area. The design of the dwellings is similar to that approved elsewhere on the Kingsmeadow development and is considered to be acceptable. Although residents feel that the development is cramped it complies with the policies and guidance set out in the Development Plan and Government Guidance. There are no issues of overlooking which would cause concern warranting the refusal of permission.

6.5 The site lies adjacent to the Conservation Area and benefits from a mature hedgerow running along the length of the boundary adjacent to the A4110. This hedge is to be retained and a condition to this effect is recommended. Further landscaping will also be required to enhance the appearance of the development.

6.6 Local residents have raised concerns relating to off road parking and potential conflict with road users. Each dwelling has two off road car parking spaces (inclusive of garages) and this is considered acceptable. A condition ensuring that parking space is retained and that garages are not converted to residential accommodation is recommended. The Traffic Manager raises no objection in principle but seeks a financial contribution. Having assessed this in relation to the size of development and the projects that could be funded it is deemed that these are not reasonably related to the development and as such cannot be justified having regard to guidance on the securing of planning gain.

- 6.7 As detailed in the response from education, a financial contribution of £1000 per dwelling is requested. This has been justified and is deemed to be a request that is reasonably related to the development. As this is a financial contribution this will be included in the S106 Agreement.
- 6.8 To conclude, the principle of residential development on this site is not contested. The density of development is appropriate and within government guidelines. The design and siting of the dwellings is also acceptable and the transportation manager raises no objection. A section 106 is required in order to secure the required affordable housing and financial contributions towards school improvement in the village. As such the proposed development is considered to conform with national guidance and local plan policy and approval, subject to a Section 106 agreement is recommended.

**RECOMMENDATION:**

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as she considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**

**Note to Applicant:**

- i) **This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.**
  - ii) **That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.**
- 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 - E08 (Domestic use only of garage)

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

- 8 - The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewerage have been carried out in accordance with the details to be submitted to and approved by the Local Planning Authority 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.

- 9 - No conversion of garage to habitable accommodation

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

**Informatives**

- 1 - ND03 - Contact Address
- 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 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**12A DCNW2005/1217/F - PROPOSED ALTERATIONS TO EXISTING VEHICULAR ACCESS, ERECTION OF TWO DWELLINGS AND ANCILLARY STUDIO BUILDING AND GARAGES ON LAND ADJ THE OLD CORNER HOUSE, BROAD STREET, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SA**

**12B DCNW2005/1219/C - PARTIAL DEMOLITION OF BOUNDARY WALL TO ALTER VEHICULAR ACCESS AND ERECTION OF TWO DWELLINGS AND ANCILLARY STUDIO BUILDING AND GARAGES AT THE SAME ADDRESS**

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

**Date Received: 14th April, 2005      Ward: Golden Cross with Weobley      Grid Ref: 40209, 51678**

**Expiry Date: 9th June, 2005**

Local Member: Councillor J.H.R. Goodwin

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

- 1.1 The application site is a 0.14 hectare plot of land that lies within the settlement boundary of the historical village of Weobley. The plot lies to the west of Broad Street and to the north of The Old Corner House which is Grade II\* Listed. The site is currently lawned with some fruit trees, mature hedge boundaries and has an existing vehicular access to the north of the frontage with Broad Street.
- 1.2 The proposal is for the erection of two 'border oak' dwellings that would front the highway. The dwellings would be set back slightly behind the existing stone wall, allowing for a small garden of approximately 2.5m to 4m in length. The dwellings would be two storey dwellings, utilising the roof space for the upper floor and inserting dormer windows, a single storey element has been shown to the south adjacent the detached dwelling known as Wild Good Chase. A single storey studio also extend from Plot 1 towards the rear of the site. The dwellings would have a maximum ridge height of 7.5m and would be a mixture of timber boarding, render and oak frame.
- 1.3 Access to the site would be sited to the north of dwellings with a shared drive leading to a shared detached double garage. Both dwellings would have rear gardens. The bottom third of the site has been set aside as an orchard area, retaining an existing maple tree and with additional planting proposed.

- 1.4 Conservation Area consent for the partial demolition of the boundary wall to allow for the new vehicular access has also been proposed.
- 1.5 Concerns were raised with regards to the initial application submission and as such amended plans addressing these issues were submitted. It is these amended plans that are the subject of this application.

## **2. Policies**

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

Policy A1 – Managing the District's Assets and Resources  
Policy A2 – Settlement Hierarchy  
Policy A16 – Foul Drainage  
Policy A18 – Listed Building and their Setting  
Policy A21 – Development within Conservation Areas  
Policy A24 – Scale and Character of Development  
Policy A70 – Accommodating Traffic from Development

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

Policy S2 – Development Requirements  
Policy S4 – Employment  
Policy S7 – Natural and Historic Heritage  
HBA6 – New Development within Conservation Areas  
Policy DR1 – Design  
Policy DR2 – Land Use and Activity

## **3. Planning History**

- 3.1 NW2004/4006/F and NW2004/4007/C Alterations to existing vehicular access and erection of three dwelling and ancillary studio building - Applications Withdrawn
- 3.2 89/0915 - Erection of one house on the orchard next to the Old Corner House, Weobley - Approved 15th October 1990

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 Welsh Water raises no objection and recommends conditions relating to foul and surface water drainage.
- 4.2 English Heritage does not wish to make any representations on this application.

### Internal Council Advice

- 4.3 Traffic Manager raises no objection and recommends condition H13 and Highway note HN1.
- 4.4 The Conservation Manager raises no objection to the amended plans and recommends conditions relating to materials and joinery details.



4.5 The Council's Archaeologist makes the following comment:

Whilst archaeological evaluation has clearly shown the presence of medieval and other archaeological remains on site, these remain not in my view of sufficient significance to merit an objection proposed in terms of archaeology.

However given that they form an integral part of the archaeological resource of the historic town of Weobley there will be a need to provide appropriate archaeological mitigation (PPG16 Section 30) under standard archaeological condition D01.

## 5. Representations

5.1 Weobley Parish Council makes the following comments:

No objections to specific amendments but we would firmly re-iterate the comments we made previously, regarding the position of the houses, parking spaces and the siting of the entrance. As such the Parish Council has resolved to make the following comments:

This is a better scheme than the previous application but there are still concerns as follows:

1. There is a lack of parking space at the rear. For these 4 bedroomed houses, there should be 3 parking spaces per house.
2. To have the entrance at the end nearest to the corner is dangerous.
3. There is concern about the properties being closer to the pavement than in previous application and the height of the properties will make them dominant in this sensitive area of the village.

5.2 Letters of objection have been received from the following:

P.F. and J.P. Holmes Woodland, Bellbeck House, Bell Square, Weobley  
Antje and Malcolm Lloyd, Wild Goose Chase, Weobley  
John Nixon, April Cottage, 5 Broad Street, Weobley  
Mrs. Warbuton, Brook Cottage, Bell Square, Weobley  
Mr. C.G. Anthony, Little Croft, Broad Street, Weobley  
P.W. Lippett, 4 Broad Street, Weobley

These letters raise the following issues:

- a) Proximity of building to adjacent beech hedge is unwelcome, plans submitted do not show this accurately
- b) The building will be taller and larger, this will spoil the view of the main streets in the village and suburbanise the area
- c) Highway safety issue due to proximity with blind corner
- d) Highway safety issue due to single lane road, conflict with traffic and additional manoeuvres
- e) Increased pressure on on-street parking
- f) Impact of the houses will make the street dark and tunnel like due to proximity to highway
- g) Cramming 2 four bed dwellings in is unacceptable

- h) Access to the site is dangerous and would be better located alongside the beech hedge to the south side
- i) Concern about height of garages and request that the height be reduced.

5.3 Letters of support have been received from the following:

A. Browne, 3 Broad Street, Weobley  
David Whittaker, Wits End, Hereford Road, Weobley  
J.S. Pritchard, Rowan House, Bearcroft, Weobley  
Mr. Pennington, 1 Chisel Close, Orchard Glade, Hereford  
Ann E.C. Sanders, Mellington House, Weobley  
Mrs. A. Tootell, Weobley Post Office, Weobley  
Katherine Jones, Glebe House, Church Road, Weobley

These letters make the following comments:

- a) The design is attractive and entirely appropriate for the setting, blending in with existing houses
- b) The inclusion of garages and off street parking is welcomed
- c) The new design is most sympathetic and in keeping with the houses opposite and can only add to the attraction of the village

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

## 6. Officers Appraisal

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

- a) The principle of residential development
- b) The impact of the proposed building on the character and appearance of the Conservation Area and setting of the Listed Building
- c) Highway safety and parking
- d) Impact on amenities of neighbouring properties

6.2 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 sites within the defined settlement boundaries of main villages such as Weobley. As such there are no objections in principle to the residential development of this site.

6.3 The application site lies within the Weobley Conservation Area and designated historic core and is clearly visible from both of the adjacent highways and public viewpoints along Broad Street. It is accepted that the traditional, historic views along Broad Street are historically well known tourist attraction. The proposed dwellings will fill the frontage of the site but have been set back behind the existing wall to preserve the character and appearance of the Conservation Area and this important street scene. The design of the dwellings is traditional and relatively simple forming a transition between the modern dwelling known as Wild Goose Chase and the Grade II\* Listed Old Corner House. The setting of the Grade II\* Listed Building would not be compromised. It is therefore considered that the proposed development would

conform with local plan policies A18 and A21 and national guidance contained within Planning Policy Guidance 15.

- 6.4 Residents of the adjacent dwelling have raised a number of issues relating to the impact of the development on highway safety, in particular its proximity to the blind bend at the bottom of Broad Street. It is noted that the proposed access will serve the two dwellings and will provide off street parking for two vehicles per dwelling. The Transportation Manager has raised no objection and conditions relating to the provision of parking and turning space are recommended. There is an existing vehicular access onto the site and the development for two dwellings is relatively small scale and meets current standards as such it is considered that a reason for refusal on highway safety ground could not be sustained.
- 6.5 A number of concerns have arisen with regards to the impact on the neighbouring properties. The first relates to the proximity of the dwelling to the beech hedgerow, which forms the boundary with Wild Goose Chase and the application site. It is accepted that the submitted plans do not show the extent to which the hedgerow has grown and as such the dwellings would be closer to this hedge than shown. However, this concern is not one which substantiates a reason for refusal. The residents to the rear of the north of the site have also raised concern with regards to the erection of the garages. The height of these garages would be 4.6 metres to the ridge and are located some 8.5 metres away from the boundary of the property in the centre of the site. As such the garages would not have an overbearing effect on the residents of this dwelling. Likewise, the siting and distances between the surrounding dwellings prevent overlooking and privacy issues being relevant.
- 6.6 To conclude, the proposal is considered to comply with policies that allow residential development within village settlements. The dwellings by virtue of their scale, design and siting are considered to be acceptable and would preserve the character of the Conservation Area, the street scene and setting of the adjacent listed building. As such the proposal now meets the criteria of the Local Plan Policies and is therefore recommended for approval with the relevant conditions.

## **RECOMMENDATION**

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

### **DCNW2005/1217/E**

- 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 - C05 (Details of external joinery finishes)**

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

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

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

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

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

**7 - 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.**

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

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

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

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

**10 - 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.**

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

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

**NW2005/1219/C**

**That conservation area consent be granted with the following conditions:**

**1 - C01 (Time limit for commencement (Conservation Area Consent))**

**Reason: Required to be imposed by Section 18(1) of the Conservation Areas Act 1990.**

**Informatives:**

- 1 - HN01 - Mud on highway**
- 2 - N03 - Adjoining property rights**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**13 DCNW2005/1888/F - REMOVAL OF CONDITION 9 ATTACHED TO APPEAL DECISION (PLANNING REF 94/0672/C AND 95/0053/C) SITING OF CARAVANS, ARROW BANK CARAVAN PARK, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BG**

**For: West Country Park Homes Ltd, Charles F Jones & Son Limited, 16 Grosvenor Court, Foregate Street, Chester, CH1 1HN**

**Date Received: 9th June, 2005      Ward: Golden Cross      Grid Ref: 41721, 58941  
with Weobley**

**Expiry Date: 4th August, 2005**  
Local Member: Councillor J.H.R. Goodwin

**1. Site Description and Proposal**

- 1.1 Arrowbank Caravan Park is an established caravan park which lies to the North of the defined village settlement of Eardisland. The caravan park lies between the former farm house (Nun House Farm) and the River Arrow on its north bank, access to the site was originally from Lyme Lane, but is now served by an access further to the east of the bridge over the river onto the C1035. The site is well screened and relatively unobtrusive in the local landscape although glimpses of the site can be seen from Haybridge Lane.
- 1.2 In the mid 1990's the caravan park, then known as 'Riverside' made applications to extend the site. A public inquiry in 1995 led to the decision to allow the appeals with conditions attached. In essence the decision allowed the extension of the site from the agreed number of 60 static caravans to a maximum of 105 static vans. It also allows for the siting of 34 touring caravans. Throughout the application and subsequent appeal a plan showing the siting of the vans was provided. This siting plan showed explicitly where the static vans and touring vans/pitches were site. Separate landscape plans were provided.
- 1.3 This application seeks the removal of condition 9 of this appeal decision which reads: "No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme which show the area where static caravans and the areas where caravans on tour are to be sited. No caravan shall be sited other than in accordance with the approved scheme."
- 1.4 The plan that has been accepted as being the siting plan shows explicitly where each van is to be sited on the site. It is evident from recent site visits that the caravans are not sited in the exact position as shown and extend beyond the areas on the site that are intended to house the static caravans.
- 1.5 Removal of condition 9 would essentially allow for the siting of static or touring caravans anywhere within the site edged red on the application. The site, edged red is much wider than the existing areas previously approved for the siting of static and

touring vans and as such raised immediate concern. In response to this a plan detailing the areas to site static and touring caravans was requested and this plan now forms part of the application submission. This plan does not show the siting of each of the vans and shows the wider area only. In addition to this the applicant has provided an indicative plan only of the siting of the vans to the north of the site which forms the extended part of the site. A re-consultation on this additional plan was undertaken on the 26th July 2005. The application submission also includes a copy of the Caravan Sites Licence issued by Herefordshire Council on the 14th October, 2004.

- 1.6 Members are reminded that even though the application is to remove the condition, the Local Planning Authority retain the ability to vary the wording of condition 9 should they feel in necessary to ensure a satisfactory form of development.
- 1.7 Whilst not specifically applied for a new access track has also been provided to serve the extension of the static caravan area to the north.

## **2. Policies**

### **2.1 National Planning Guidance**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 7: Sustainable Development in Rural Areas  
Planning Policy Guidance 13: Transport  
Planning Policy Guidance 21 – Tourism

### **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 A16 – Foul Drainage

### **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 LA2 – Landscape Character

## **3. Planning History**

- 3.1 NW2000/2903/F - Variation of condition 3 of decision dated 25th January, 1996 - Approved 30th January, 2001. Condition now reads as follows:  
  
"No caravan on tour shall remain on the site between 7th January and 1st March in any one year."
- 3.2 95/0053/C - Provision of 30 no static van sites and 23 no tourer van sites, toilet/washing facilities and upgrading of internal service track - allowed on appeal.



3.3 94C0672 - Provision of 45 additional static caravan sites and 34 tourer van sites, toilet and washing facilities, and upgrading of internal service tracks - allowed on appeal.

3.4 75/C110 - 45 static caravans - approved

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 The Environment Agency response to the initial consultation is as follows:

The lower portion of the original application site lies within the Agency's Flood Zone 3.

The layout of caravans shown on the submitted plan, dated June 2005, is outside of the Agency's Flood Zone 3 and we would therefore raise no objection. We would recommend that you apply standing advice for 'camping and caravan sites within flood Zone 1'.

However, we would recommend that you do not remove Condition 9 as it enables reasonable control to ensure that caravans are located outside of Flood Zone 3 (the 1:100 year floodplain. It should be noted that the Agency would object to any proposals to site caravans within the 1 in 100 year floodplain.

##### Internal Council Advice

4.2 Traffic Manager raises no objection.

4.3 The Environmental Health Manager raises no objection.

4.4 The Public Rights of Way Manager comments that:

The proposed development would not appear to affect public footpaths ED5 and ED6. However the following points should be noted:

There is a footpath (ED5/6) running through the development area and although part of the path has eroded into the river, the parts that remain on the bank are still public rights of way and should remain free from any obstruction.

#### **5. Representations**

5.1 Eardisland Parish Council have responded as follows:

As a council we are unanimous in wishing to object in the very strongest of terms to the proposal to remove Condition 9 attached to the Appeal decision (planning reference 94/0672/C and 95/0053/C) relating to Arrow Bank Caravan Park.

The reasons for our objections are as follows:

- The report dated 25/01/06 and conducted by Paul Graham, solicitor, gives clearly argued reasons - which remain applicable - for the location of the agreed static holiday caravans and for the landscaping of the site.
- If condition 9 were to be removed, the owners of Arrow Bank Caravan Park would be able to site, at their will, static vans within the boundaries of the map which

accompanied the application. These boundaries include both the area currently used by touring caravans and the recreation area next to Lyme Lane. This would mean a considerably larger area for static vans and would not comply with the recommendations made in Paul Graham's report.

- If condition 9 were to be removed, the current landscaping requirements could be contravened. Indeed, on the large-scale plans submitted with the application, structures are already shown as being sited on the recommended landscaped area.
- Eardisland lies within a Conservation Area. The Council considers that there could be a serious detrimental effect on the beauty of the village if, as a result of the removal of Condition 9, large static vans were to be located on the current touring and recreation areas and if there were to be a reduction in landscaping on the site.
- Item 13 of the planning application indicates that the owners intend to dispose of storm water into the existing soakaways and foul water into the existing septic tank. The caravan park lies in the flood plain of the River Arrow and the water meadows regularly become water-logged. With the removal of condition 9, and a possible increase in the number of people using the site, the current soakaways and septic tank could be insufficient and lead to pollution of the River Arrow.
- For the reasons submitted on the form sent to you on the 5th July, and for the more detailed reasons given above, the clear view of the Parish Council is that the application for the removal of condition 9 should be refused.

However, it has come to light that part of the caravan park by the river Arrow is designated as an area of Special Scientific Interest. The members would like to draw your attention to this fact and duly ask the Planning Department to consider this factor in their deliberations regarding this particular application.

Eardisland Parish Council is writing this letter further to comments sent to your department on 5th July 2005.

As a council we are unanimous in wishing to object in the very strongest of terms to the proposal to remove Condition 9 attached to the Appeal decision (planning reference 94/0672/C and 95/0053/C) relating to Arrow Bank Caravan Park.

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

- By way of background, this condition requires the provision of a plan to confirm the precise siting and layout of holiday caravans within the existing confines of the approved caravan park.
- Such a condition is, in fact, ultra vires as the siting and layout of caravan pitches within an approved caravan site boundary is strictly a matter for the Site Licence to control via the imposition of its own conditions and spacing standards and is not an issue for a Local Planning Authority to dictate.
- To this effect, I enclose herewith as part of this application a copy of the current Site Licence document (No. 106) that controls the siting of holiday caravans at

Arrow Bank Caravan Park, and therefrom, you will take note of the specific conditions which relate to the density and space between caravans.

- 5.3 At the time of writing at least 81 letters of objection have been received from local residents:

The concerns raised can be summarised as follows:

- a) Removal of the condition would allow the caravans to encroach into areas outside of the original remit
- b) The design of new chalets are out of keeping with surroundings
- c) The inspectors report of 25th January 1996 makes clear and unambiguous findings of the location of the agreed holiday static caravans
- d) The site has often breached its conditions - siting, external appearance of vans, creation of an access road, lack of landscaping
- e) Commercial interests should be balanced with community values
- f) Potential for increase in population of park which may lead to Eardisland being swamped
- g) Removal of condition 9 would be an unwelcome development, and not in the best interests of the village of Eardisland
- h) Increase in traffic lead to highway safety concerns
- i) Concern that this is development by the 'back door'
- j) Concern relating to flooding and environment agency responses
- k) The revised site plan extends into an area meant for landscaping
- l) Gross alteration in the ratio of caravan site residents to villagers to the detriment of the character and peculiarities of Eardisland
- m) Impact on the environment and wildlife in River Arrow

- 5.4 In addition to this a letter has been received from the Ramblers Association which makes reference to the following:

1. Lack of correct detail, as plan is not up to date OS map
2. Path no ED 5 & 6 cross the site - the path is subject to a modification order submitted by the Ramblers Association. Vans obstruct this Public Rights of Way
3. Removal of condition 9 would mean they could site vans anyway
4. Is the existing septic tank able to cope
5. Outlines proposal made by Herefordshire Council to move Public Rights of Way along which owners refused

- 5.5 1 letter of support have also been received which states:

I am writing in support for the caravan site which is an asset to the village and brings a great deal of pleasure to many people who want a quiet relaxing holiday. It is maintained in immaculate condition, which is a lot better than some other properties nearby. It is well screened and cannot be seen from the village.

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

## 6. Officers Appraisal

- 6.1 Arrow Bank Caravan Park has received planning permission to extend its site into the adjoining field as outlined in the initially approved plan. The principle of doing this has been established and this application does not require us to revisit this matter. The main issue for consideration lies with the acceptability of removing condition 9 and the implications that this would have.
- 6.2 Earlier in the year the owners of Arrow Bank Caravan Park have begun to undertake works to progress with the enlargement of the site as per the approval received on appeal in 1996. As a result of this a new service track was partially laid and a number of new 'chalet' style static homes erected. A number of complaints were received in April 2005 that led to visits from the Councils Enforcement Team and subsequently Planning Officers. As a result of this it was noted that the approved siting plan did not accord with that previously submitted although the siting of the vans and routing of the service track did concur with that approved by Herefordshire Councils Licensing Officer in the granting of its site licence. It was duly noted that the siting of the vans did extend beyond the areas defined in the planning permission. It was also realised that the siting plan partially duplicated the work of the site licence granted by the Council.
- 6.3 After careful consideration it was requested that an application to remove or vary condition 9 be submitted to the Local Planning Authority. This would allow the siting of the vans and laying of the service tracks to be free from the restrictions of planning control and although still strictly controlled by the conditions of the Site License. Other conditions within the planning permission would restrict the numbers of static and touring vans allowed on site and the landscaping that should be planted.
- 6.4 However, on submission of the application, it was realised that the site edged red and showing the Caravan Park boundary was substantially larger than the areas previously shown to be acceptable for the siting of both the static vans and touring vans. If the condition were removed then there would be no restriction, except by numbers, on where the vans were sited within the red edged area. The decision notice for the approved scheme placed much emphasis on the impact of these vans and the importance of open areas to act as buffers and as such this was not deemed acceptable and as such a plan showing the extent of the area for the siting of Static and Touring vans was requested.
- 6.5 The receipt of this plan would allow the Local Planning Authority to vary the condition with the explicit intention of restricting the siting of the 105 static caravans to the area shown as being hatched on the submitted plan and the siting of the 34 touring caravans within the area marked yellow. This condition would be deemed reasonable and necessary, as it would provide absolute certainty that the vans would not be sited outside of these areas, but would allow the control of the precise location of each van to fall within the strict jurisdiction of the site licence. The variation of the condition would not allow and increase in the numbers of the vans. Nor would it remove any restrictions imposed by the other conditions.
- 6.6 The Site License, issued pursuant of the powers conferred to the District of Herefordshire County Council by sections 3 and 5 of the Caravan Sites and Control of Development Act 1960 controls matters relating to:
- The number of mobile homes and definition of site boundaries
  - Density and space between caravans

- Roads, gateways and footpaths
  - Hard standings
  - Fire fighting appliances
  - Storage of Liquid Petroleum gas
  - Electrical installations
  - Water supply
  - Drainage sanitation and washing facilities
  - Refuse disposal
  - Parking
  - Recreation Space
  - Notices/Signage
- 6.7 The variation of condition 9 would allow the Holiday Park to react to the requirements of this site licence within the areas shown on the plan. Any development required to be carried out to comply with the site licence would constitute permitted development.
- 6.8 The plans do show a number of particular changes, namely the laying of an access track, which has been partially completed to the west of the eastern landscaped area (not undertaken) and the ability to site vans to the far north east corner of the site which was previously not shown to have any vans shown. This includes an area some 40m beyond the area where the vans are sited on the approved plan. This area had no explicit designation on any of the approved plans and is considered to be implicit in part of the application site. It would not have any significant harm on the landscape.
- 6.9 The indicative site plan shows a revised service/access track. The track approved was much more intrusive than the revised access that would follow the contour of the land adjacent to the proposed landscape orchard area and would. The removal of the condition would allow the laying of the new access track under the control of the site license.
- 6.10 The approved landscaping plan has been implemented and there are large areas of planting which remain outstanding. The Local Planning Authority Enforcement Team are actively pursuing that this planting is undertaken in the next planting season (October 2005 to March 2006). This was an integral part of the approval and is of importance.
- 6.11 Local residents have also raised concern relating to the installation of the new static caravans that have the appearance of a 'chalet'. These are double static vans, imported in no more than two pieces and then joined on site. They fall within the definition of a caravan and are therefore deemed acceptable.
- 6.12 To conclude, the removal of the condition restricting siting would allow for uncontrolled and potentially detrimental development. As such the variation of the condition is deemed to be the most appropriate course of action. This would restrict the siting of vans to defined areas within the red-edged site. The site license would control the exact siting of each caravan, including the draining, access and facilities. The implementation of the approved landscaping scheme is being pursued.

## **RECOMMENDATION**

**That Condition 9 of appeal decision planning permissions reference 94/0672/C and 95/0053/C be varied as follows:**

- 1 - At no time shall any static caravans be sited outside of the area shown as hatched on or any touring caravans be side outside of the area shown yellow on the approved plan.

**Reason:** To clarify the terms of this permission and to protect the quality of the landscape.

**Informatives:**

- 1 - It is brought to the attention of the applicant that the other remaining conditions continue to apply.
- 2 - It is brought to the attention of the applicant that the implementation of the approved landscaping scheme remains outstanding and should be implemented in the next available planting scheme.
- 3 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**14 DCNW2005/2258/F - ERECTION OF DWELLING WITH INTEGRAL GARAGE AT THE BIRCHES, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ**

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

**Date Received: 6th July, 2005**

**Ward: Castle**

**Grid Ref: 33484, 51803**

**Expiry Date: 31st August, 2005**

Local Member: Councillor. J.W. Hope MBE

**1. Site Description and Proposal**

- 1.1 The application site forms part of the residential curtilage of the property known as 'The Birches'. This is a large modern two-storey detached dwelling.
- 1.2 The site is surrounded on all sides, except for the northern side (which on 20th June 2005 had planning permission granted for the erection of a detached dwelling), by other detached residential dwellings. These dwellings are varied in style and are of single-storey height, except for the dwelling known as 'Rose Villa', which is a two-storey dwelling and is located alongside the southern boundary of the application site. This dwelling is of an older style than all the others, and appears to be the most significant in architectural terms.
- 1.3 The application proposes the erection of one detached dwelling, dormer cottage in design measuring a total floor area of 180.92 square metres. The height of the proposed is 6.5 metres. It is proposed to construct the dwelling externally out of red brick under an artificial slate roof.

**2. Policies**

**2.1 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources  
 A2(C) – Settlement Hierarchy  
 A23 – Creating Identity and an Attractive Built Environment  
 A24 – Scale and Character of Development  
 A53 – Protection from Encroachment in the Countryside  
 A54 – Protection of Residential Amenity  
 A55 – Design and Layout of Housing Development

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

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

H15 – Density

### 2.3 Planning Policy Guidance

Planning Policy Guidance 1: General Policy and Principles  
Planning Policy Guidance 3: Housing

### 3. Planning History

- 3.1 NW05/1097/F - Erection of one dwelling with integral garage - Approved June 2005
- 3.2 NW05/0745/F - Erection of two dwellings with integral garages - Withdrawn March 2005.
- 3.3 NW03/0666/F - Change of use of ground floor lounge to Bed and Breakfast accommodation - Approved 25th April 2003.
- 3.4 94/535 - Construction of new double garage - Approved 20th October 1994.
- 3.5 93/0654/O – Site for one dwelling on garden land at The Birches - Refused 25th January 1994.

### 4. Consultation Summary

#### Internal Council Advice

- 4.1 Highways Manager have no objections to the grant of permission.

### 5. Representations

- 5.1 Almeley Parish Council – No representation received at time of preparation of this report.
- 5.2 Letters of objections/comment have been received from 2 households to this application from the following:

Sheila Finlayson, Rose Villa, Spearmarsh Almeley  
Verlie & Mario Battenti, The Hazels, Almeley

- 5.3 The objections/comments raised in these letters can be summarised as follows:-
  - Development on the site subject to this planning application will affect the value of the property known as Rose Villa, Spearmarsh.
  - Impact of privacy on Rose Villa.
  - Impact on amenity of surrounding properties
  - Proposal will create insensitive infilling in this rural village location
- 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 application is for the erection of a two-storey dormer-type dwelling and contains two principle rooms on the ground floor and integral garage and three bedrooms on the first floor. It is proposed to construct the dwelling using external construction materials that are sympathetic to the surrounding build environment.
- 6.2 Members will recall the previous, recently approved application, adjoining the northern side of the application site was for a 'dormer' dwelling, amended from two dwellings to one. This site relates to that deleted from that earlier proposal. The applicants deleting that element due to concerns with regards to overlooking from a rear window onto a neighbouring dwelling. This issue has now been overcome with the submission of the latest revised proposal for planning determination.
- 6.3 The proposal subject to this application is for a dwelling measuring 180.92 square feet domestic accommodation on two floors and is located 14 metres from the nearest property known as 'Yew Trees'. The design and layout of the proposed development is of such that it will have no overbearing impact on privacy or overlooking on any of the adjoining neighbouring properties. Therefore the proposal is considered to comply with all policy criteria of the Leominster District Local Plan and National Planning Guidance.
- 6.4 Two letters of objections from adjoining neighbours to the application site have raised concerns about the proposed development having an overbearing impact on the privacy and amenity of surrounding properties as well as the built character of the surrounding area. It is not considered that these issues are sufficient to justify refusal of the proposal.

## **RECOMMENDATION**

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

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

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

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

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

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

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

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

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

**5 - C05 (Details of external joinery finishes)**

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

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

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

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

**Reason: In order that the Local Planning Authority can control any future development in this sensitive location.**

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

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

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

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

**11 - Foul water and surface water discharging must be drained separately from the site**

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

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

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

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

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

**Informatives:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**15 DCNC2005/1870/F - TWO STOREY EXTENSION TO  
CREATE 2 X ONE BEDROOM FLATS AT 5 OLD ROAD,  
BROMYARD, HEREFORDSHIRE, HR7 4BQ**

**For: Mr. & Mrs. C. Jennings per Linton Design Group  
27 High Street Bromyard Herefordshire HR7 4AA**

**Date Received: 7th June, 2005**

**Ward: Bromyard**

**Grid Ref: 65312, 54705**

**Expiry Date: 2nd August, 2005**

Local Member: Councillors P.J. Dauncey and B. Hunt

**1. Site Description and Proposal**

- 1.1 5 Old Road is on the B4214, in the centre of the market town of Bromyard. It is adjacent to a Listed Building, No. 4 Old Road, and in a Conservation Area.
- 1.2 This is an application for a two storey extension to create 2 one-bedroomed flats at 5 Old road, Bromyard. The current building houses a hairdressers on the ground floor and a two-bedroomed flat on the first floor.

**2. Policies**

**2.1 Malvern Hills District Local Plan**

Transport Policy 8 – Car parking and servicing requirements  
Conservation Policy 1 – Preserving or enhancing Conservation Areas  
Conservation Policy 2 – New development in Conservation Areas  
Conservation Policy 3 – Setting of Conservation Areas  
Conservation Policy 11 – The setting of Listed Buildings

Shopping Policy 5 – Secondary shopping frontages – Class A2 and A3 development  
Shopping Policy 6 – Upper floors  
Bromyard Shopping Policy 3  
Bromyard Shopping Policy 4

Housing Policy 2 – Development in main towns  
Housing Policy 16 – Extensions

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

H15 – Density  
H16 – Car parking

**2.3 PPG13 - Transport**

**3. Planning History**

DCNC2004/0506/F - Change of use of first floor from offices to residential. Permitted with conditions 26.3.04.

MH97/0397 - Extension to create additional accommodation at first floor. Permitted 19.5.97.

96/1447 - Change of use to A1 retail of former A1 Centre, 5 Old Road, Bromyard. Permitted 15.1.97.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Conservation Manager: No objection in principle.

4.3 Traffic Manager: Recommends that any permission the Authority may wish to give includes the condition of one car parking space per bedroom.

#### **5. Representations**

5.1 Bromyard Town Council: 23.6.05 - support. 4.7.05 - object.  
No reason has been supplied to the Local Planning Authority to explain either the responses themselves nor for the change in response. The Town Council was reconsulted with the Amended Plans.

5.2 Neighbours representations: None received.

5.3 Strategic Housing Services: Comments: En-suite bathroom is inconvenient to guests as access is through bedroom only.

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

#### **6. Officers Appraisal**

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

Conservation: a) Impact on the adjacent Listed Building  
b) Impact on the Conservation Area

Transportation: a) Parking spaces  
b) Access to road

Amenity: a) Loss or improvement of amenity to local residents.  
b) Loss or improvement of amenity uses for adjacent properties

Principles of Development

- 6.2 The site lies within the town boundary and the principal shopping and commercial area. It is also within the area of secondary shopping frontage as designated within Shopping Policies 5 and 6.
- 6.3 In addition, the site lies within the Bromyard Conservation Area, and needs to accord with Conservation Policies 1, 2,3 and 11.
- 6.4 The application needs have regard to parking provision and residential policies found within Transport Policy 8 and Housing Policies 2 and 16. The details of this application are discussed below.

Conservation Issues

- 6.5 The report from the Conservation Manager indicates an in principle approval of the application, with the request that the earlier scheme is reverted to, as per pre-application enquiry. This request has been complied with and the amended version of the plan now has the full support of the Conservation Manager.

Transportation

- 6.6 The Traffic Manager recommends that any permission includes a condition of one space per bedroom. Though this only requires 2 spaces for the proposal, the wider site does include a further two-bedroom flat. A further amended plan has now been received with 4 parking spaces.
- 6.7 The proposal would result in the loss of 2 of the existing on-site car parking which is clearly an amenity issue though representations have not been made to this effect.
- 6.8 It is noted that there is on-street parking available immediately beside the property and in accord with PPG13: Transport, there are no transportation planning grounds on which to refuse this application.

Amenity

- 6.9 Strategic Housing Services has commented on the inconvenience to guests having to access the bathroom through the bedrooms. This inconvenience is noted as a material consideration under loss of amenity to any guests the residents may have. However, this is not felt to be sufficient grounds to stand as an objection under existing policy considerations.
- 6.10 In addition, the decrease in off-street parking spaces available in front of the property is noted as a loss of amenity to both the current residents and the staff and clients of the hairdressing salon. However, under the terms of PPG13 and the pending UDP no minimum parking standards can be required of the developers. It is not considered that a reason for refusal on these grounds could be substantiated.

**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 - No development shall take place until details or samples of materials to be used externally on the surfacing of the proposed new parking area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings and the adjacent Conservation Area and Listed Buildings.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**16 DCNC2005/0529/F - CONVERSION OF FARM BUILDINGS TO 6 DWELLINGS AT THORNBURY COURT, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NJ**

**For: N. Wildig & Sons per Amber Project Management Ltd The Lynch Little Hereford Ludlow Shropshire SY8 4AX**

**Date Received: 21st February 2005**

**Ward: Bringsty**

**Grid Ref: 61786, 60143**

**Expiry Date: 18th April, 2005**

Local Member: Councillor T.W. Hunt

**1. Site Description and Proposal**

1.1 Thornbury Court is located at the end of a narrow drive that exits onto the C1061 road. The site is located in open countryside designated as being of Great Landscape Value.

1.2 This application proposes the residential conversion of a range of farm buildings that form a courtyard on the north side of Thornbury Court to 6 dwellings.

**2. Policies**

**2.1 Malvern Hills District Local Plan**

Landscape Policy 1 – Development outside settlements

Landscape Policy 3 – Development in Areas of Great Landscape Value

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

**2.2 Hereford and Worcester County Structure Plan**

CTC2 – Development in Areas of Great Landscape Value

CTC9 – Development Criteria

CTC14 – Criteria for the conversion of buildings in rural areas

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

HBA12 – The re-use of rural buildings

HBA13 – The re-use of rural buildings for residential purposes

LA2 – Landscape character and areas least resilient to change

2.3 PPS1 – Delivering sustainable development

PPS7 – Sustainable development in rural areas

SPG – Re-use and Adaptation of Traditional Rural Buildings

### 3. Planning History

3.1 None.

### 4. Consultation Summary

#### Statutory Consultations

4.1 Environmental Agency: No in principle objection.

#### Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Conservation Manager: No objection.

### 5. Representations

5.1 Thornbury Parish Council resolved to support the application.

5.2 Letter of objection received from S.C. Brown, Upper House, Thornbury, Bromyard:

- a) The proposal will detract from the amenity of the area.
- b) It will create a precedent for other similar applications which will be difficult to resist.
- c) The road network is inadequate to serve the development.

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

### 6. Officers Appraisal

6.1 This application proposes the residential re-use of a traditional range of farm buildings that resemble a model farm and layout. The buildings are considered suitable for alternative re-use and have been marketed as potential employment opportunities in accordance with the Council's Supplementary Planning Guidance: Re-use and Adaptation of Traditional Rural Buildings. The marketing has shown no interest. Therefore, residential re-use of these buildings is considered acceptable.

6.2 The Traffic Manager does not consider traffic generation by the proposal would compromise matters of highway safety on the adjoining road network and accordingly has no objection to this proposal.

6.3 While the site is located within an Area of Great Landscape Value, the conversion of these buildings, together with the residential paraphernalia, will not cause harm to the acknowledged visual qualities of the surrounding area.

### 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 21 February 2005)

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

- 3 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

- 4 - F18 (Scheme of foul drainage disposal)

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

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

Reason: To safeguard the amenity of the area.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**17 DCNC2005/1774/F - FIRST FLOOR EXTENSION AT 67 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JH**

**For: Mr. & Mrs. R.P. Nicholas at same address**

**Date Received: 26th May, 2005      Ward: Leominster South      Grid Ref: 49601, 58541**

**Expiry Date: 21st July, 2005**

Local Member: Councillors R.B.A. Burke and J.P. Thomas

**1. Site Description and Proposal**

- 1.1 This application seeks full planning consent for the erection of a first floor extension to the rear of 67 South Street, Leominster, an end of terrace period property adjacent to Minster School and within the settlement boundary. The extension would be above an existing ground floor extension, which has a floor area of 27 square metres and would in its own right have benefited from permitted development rights.
- 1.2 The proposed extension would extend 6 metres from the rear (east) elevation of the existing dwelling with a width of 4.5 metres and would have a maximum roof height of 6.5 metres.

**2. Policies**

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

A54 – Protection of residential amenity  
A56 – General development criteria

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

DR1 - Design

**3. Planning History**

None.

**4. Consultation Summary**

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of planning permission.

## 5. Representations

- 5.1 Leominster Town Council: 'Recommends approval subject to the light provision for the neighbouring property not being affected.'
- 5.2 One letter of objection has been received from the occupier of the adjacent property to the north, who has expressed concerns regarding the considerable reduction in natural daylight to the rear of his property and the impact on all the windows with an east facing aspect as well as the one window and door facing south.
- 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 dwelling is a substantial building with accommodation on three floors; the second floor is within the roof space as with all six properties in the terrace. Some of the properties benefit from single storey extensions to the rear, including the adjoining property to the north.
- 6.2 The proposed extension would be constructed above the existing single storey extension, which currently has a gable ended pitched roof approximately 4 metres in height to its ridge and 2.3 metres to the eaves. The proposed first floor extension would raise this roof level to a maximum ridge height of 6.5 metres, which would be 3 metres below the ridge height of the original property and just 2.5 metres higher than the existing ground floor extension. The current and proposed extensions would be 1.5 metres from the boundary with the adjoining property. The roof of the proposed extension would be hipped at the end.
- 6.3 It is considered that because the existing and proposed extensions are positioned 1.5 metres from the boundary wall, the effect of the new build would not be significantly detrimental as to cause unnecessary harm by blocking natural daylight from the adjoining property to the north. By raising the roof level by 2.5 metres, the eaves would be 5 metres above ground level and approximately 0.5 metres below the eaves of the original building. To this extent, it is considered that the proposal would be of a scale that would not overwhelm or harm the amenity of the occupiers of the neighbouring property. A condition precluding the installation of windows on the north elevation is recommended so as to protect the privacy of the neighbour.
- 6.4 Overall, it is considered that the proposal complies with the relevant policies in the Local Plan, and as such, approval is recommended.

## 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) (21st July, 2005)

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

3 - B02 (Matching external materials (extension))

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

4 - E17 (No windows in side elevation of extension) (no windows or dormer windows in the north elevation of the extension)

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.





**18 DCNC2005/1817/F - T-MOBILE SHARE ON 5M EXTENSION OF THE EXISTING 25M TELECOMMS TOWER. TO INCLUDE 3 NEW OPCS ANTENNAE AND 3 NEW OPCS DISHES, 2 NEW T-MOBILE ANTENNAE, 1 NEW T-MOBILE DISH AND A NEW T-MOBILE CABINET AT UPPER EDGLEY FARM, STOKES LANE, STOKE LACY, BROMYARD, HEREFORDSHIRE, HR7 4HD**

**For: Orange Pcs Ltd per FPD Savills, Wessex House, Wimborne, BH21 1PB**

**Date Received: 31st May, 2005      Ward: Bromyard      Grid Ref: 63091, 50294**

**Expiry Date: 26th July, 2005**

Local Members: Councillors P.J. Dauncey and B. Hunt

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

- 1.1 Site is located on rising land on the south side of Stoke Lane, C1132, and to the southeast of Sunny Lea. It is located in open countryside. There is screening to the side.
- 1.2 This application proposes to increase the height of an existing 25-metre high telecommunications mast by 5 metres to accommodate 3 new antennae, 3 new dishes, 2 new T-Mobile antennae and 1 new T-Mobile dish, as well as a new equipment cabin.

### **2. Policies**

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

Landscape Policy 1 – Development Outside Settlements  
Conservation Policy 18 – Telecommunications Equipment

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

CTC9 – Development Criteria

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

CF3 – Telecommunications

- 2.4 PPS1 – Delivering Sustainable Development  
PPG8 – Telecommunications

### **3. Planning History**

NC2000/2644/F – 20-metre high monopole mast and ancillary equipment refused 12th February, 2001.

NC2002/3549/F – 25-metre high slim-line lattice tower refused 19th March, 2003. Appeal allowed 25th September 2003.

NC2004/1683/F – 25-metre lattice tower refused 4th August, 2004

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Traffic Manager – no objection

4.3 Environmental Health and Trading Standards – “no comment”

#### **5. Representations**

5.1 Stoke Lacy Parish Council – The existing mast is enough of an eyesore and would further be detrimental to the visual amenity of the locality. Not recommended.

5.2 Nine letters of objection have been received:

- a) It is a blot on the landscape.
- b) The existing mast has already had a detrimental impact on the local environment.
- c) The increase in height would further impact on the quiet rural nature of the area.
- d) The mast should be sited on an industrial estate.
- e) Harm to health.
- f) Alternative sites have not been investigated.
- g) There are more suitable sites available at Symmonds Cider and Woodend Business Park.

5.3 The applicant has said:

- a) The site is designed to provide specific coverage along the route of the A465.
- b) The proposed site is an existing 25-metre orange lattice tower located at Upper Edgeley Farm.
- c) There are numerous coverage holes and the inclusion of the site is critical.
- d) T-Mobile has conducted extensive search of the area in order to find a site that will meet the coverage requirements by using an existing telecommunications mast, T-Mobile is endeavouring to minimise the environmental and visual impacts of the installation in line with The Code of Best Practice. Alternative sites have been investigated and have been discounted for technical reasons.

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 Conservation Policy 8 deals specifically with telecommunications, setting a criteria for consideration as follows:
- a) It can be demonstrated that there is no opportunity of a mast sharing or use of existing buildings or structures.
  - b) It is designed to minimise the impact on the surrounding countryside or urban area.
  - c) Where appropriate and technically possible a scheme for landscape screening is provided.
  - d) The District Council will use planning conditions or seek legal agreement to remove any existing equipment rendered obsolete or redundant by the proposal.
- 6.2 This application is to increase the height of the existing 25-metre high mast by 5 metres.
- 6.3 The existing mast was allowed on appeal, NC2002/3549/F refers, when the inspector concluded there is no environmentally preferable and operationally acceptable alternative site that would acceptably upgrade performance of service along the A465, and that the appeal proposal would satisfy the considerations in local and national policy and that operational need outweighs the limited harm to the landscape that would arise from this proposal. Given the planning history of the site, and the need to upgrade performance along the A465 it is not considered that the increase in height of this mast will cause significant harm to the local environment.
- 6.4 This application has been submitted following the refusal of NC2004/1683/F, which was for a second mast on this site. The application was refused as it would lead to a proliferation of masts. It is considered this proposal fulfils the requirements of mast sharing as advocated by PPG 8, and Conservation Policy 8.

### 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 - Before development commences the colour and finish of the lattice tower equipment cabinets and fencing shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with those details.**

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

### Informative:

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**19 DCNC2005/1854/F - ERECTION OF DETACHED GARAGE AND DETACHED OUTBUILDING FOR WORKSHOP/STORAGE ANCILLARY TO THE DWELLING AT LOWER BROCK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QS**

**For: Mr. & Mrs. D. Hicks per Bryan Thomas, Architectural Design Ltd, The Malt House, Shobdon, Leominster, Herefordshire, HR6 9NL**

**Date Received: 7th June, 2005**

**Ward: Upton**

**Grid Ref: 53438, 58743**

**Expiry Date: 2nd August, 2005**

Local Member: Councillor J. Stone

**1. Site Description and Proposal**

- 1.1 Brock Hall is located in open countryside and on the north side of the unclassified 94205 road. The unclassified 94213 road is to the east. Brock Hall Cottage is adjacent.
- 1.2 This application proposes a pitched roof double garage that is to be located adjacent to the entrance of the adjoining unclassified 94213 road, and a single storey outbuilding accommodating mower shed, tractor shed, classic car garage, work and garden store. It is to be located adjacent to the neighbours (Brock Hall Cottage) workshop building.

**2. Policies**

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

- A.1 – Managing the District's Assets and Resources
- A.2 – Settlement Hierarchy
- A.24 – Scale and Character of Development
- A.54 – Protection of Residential Amenity

**2.2 Hereford and Worcester County Structure Plan**

CTC9 - Development Criteria

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

DR1 – Design

**2.4 PPS1 – Delivering Sustainable Development**

**3. Planning History**

81/595 – Access approved 10th December, 1980

DCNC2004/2657/F – Conversion of out buildings to live/work unit approved 27th April, 2005.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Traffic Manager – no objection

#### **5. Representations**

5.1 Kimbolton Parish Council – no reply received at time of report

5.2 Letter of objection received from Mrs. M. Murfin, Brock Hall Cottage, Hamnish:

- (a) This is going to be an overdevelopment
- (b) The outbuildings will be very close to our boundary fence
- (c) Noise nuisance
- (d) Since the planning permission DCNC2004/2657/F was based on the property being of business use surely this application strongly suggests that the property is purely for residential use and therefore the intention of the work unit would be a device to obtain planning approval in the first place.

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 proposes a double garage that would be located close to the entrance off the unclassified 94213, and a workshop building that will be located adjacent to the neighbours (Brock Hall Cottage) workshop building. The buildings are to be located within the proposed residential curtilage for the live/work unit approved under reference DCNC2004/2657/F.

6.2 The workshop building is to be located close to the neighbour's workshop, a long narrow single storey building. Mention is made the outbuilding will impact on the neighbour through noise nuisance. The outbuilding proposed in this application is for ancillary purposes to the occupation of the barn as a live/work unit. It is not considered the ancillary domestic use of the building will give rise to loss of residential amenity to the neighbour through noise nuisance.

#### **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.

**Informative:**

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

