

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 7th September, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 10th August, 2005.	1 - 12
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	13 - 14
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items 7 and 8 are applications deferred for site inspections at the last meeting, item 9 was deferred for further information at a previous meeting and items 10 - 15 are new applications.	
7. DCNW2005/0688/F - RESIDENTIAL DEVELOPMENT SCHEME OF 14 NO HOUSES, INCORPORATING 2/3 AND 4 BEDROOM SEMI-	15 - 24

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

Ward: Mortimer

8. 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 25 - 28

Ward: Upton

9. DCNC2005/1075/O - SITE FOR RESIDENTIAL DEVELOPMENT DOWNS GARAGE AT 70A, SOUTH STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8JF FOR: MR D ROWLAND JONES & MRS A J JONES OF BROOKEND, KINGSLAND, HR6 9SF 29 - 34

Ward: Leominster South

10. DCNC2005/2349/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST.BOTOLPHS GREEN, SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE FOR: WESTBURY HOMES (HOLDINGS) PER MR G BROCKBANK, HUNTER PAGE PLANNING LTD, THORNBURY HOUSE, 18 HIGH STREET, CHELTENHAM, GL50 1DZ 35 - 48

Ward: Leominster South

11. DCNC2005/2492/O - SITE FOR A DETACHED HOUSE WITH INTEGRAL GARAGE AT 60 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AN FOR:MR & MRS S PELOW PER MR L LLOYD, ROSEDALE, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4LW 49 - 54

Ward: Bromyard

12. DCNE2005/2060/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DWELLING WITH DETACHED GARAGE BLOCK AND REPOSITIONED ACCESS AT YEW TREES, MATHON ROAD, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6EW FOR: WINSLOW CONSTRUCTION LTD PER LINTON DESIGN GROUP, 27 HIGH STREET, BROMYARD, HEREFORDSHIRE, HR7 4AA 55 - 60

Ward: Hope End

13. DCNE2005/2359/F - ERECTION OF SINGLE DWELLING HOUSE AT LAND ADJACENT TO 41 BYE STREET, LEDBURY, HEREFORDSHIRE FOR: MR & MRS D JONES PER MR J BLADEN, CSJ PLANNING CONSULTANTS LTD, 32 FROGMORE STEET, BRISTOL, S1 5NA 61 - 66

Ward: Ledbury

14. DCNW2005/1813/O - SITE FOR THE ERECTION OF A DETACHED DWELLING. OLD SCHOOL HOUSE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9ND FOR: MR KING, NICK CARROLL ARCHITECT, ORCHARD STUDIOS, UNION PLACE, WORCESTER, WR3 7DX 67 - 74

Ward: Pembridge & Lyonshall with Titley

15. DCNW2005/1930/F - PROPOSED CONVERSION OF AGRICULTURAL BUILDING INTO M.O.T. TEST CENTRE AT HIGHWAY FARM, DILWYN, HEREFORD, HEREFORDSHIRE, HR4 8EX FOR: MR R.D. SPEAKMAN PER MR L B RAY, WATERLOO, LEDGEMOOR, WEOBLEY, HEREFORDSHIRE, HR4 8RJ

75 - 82

Ward: Golden Cross with Weobley

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 10th August, 2005 at 2.00 p.m.

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

Councillors: B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, 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 and J.P. Thomas

In attendance: Councillors P.J. Edwards

53. APOLOGIES FOR ABSENCE

RM Manning, RJ Phillips, DW Rule, RV Stockton, J Stone.

54. DECLARATIONS OF INTEREST

Councillor J.P. Thomas declared a prejudicial interest in respect of Agenda item No 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 - and left the meeting for the duration of this item.

55. MINUTES

The Committee Manager explained that when the minutes of the meeting 18 May 2005 were approved, minute number 12 – DCNE2005/1008/F – Land at rear of the former Plough Hotel, 74 The Homend, Ledbury, was inaccurate. He requested that the Committee consider amending it.

RESOLVED THAT

- i). That the minutes of the meeting held on 13 July 2005 be approved as a correct record, subject to the replacement of 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 with 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 in minute 23; and
- ii). That the words “not to tie the dwelling to the existing property and” be deleted from minute 12 – DCNE2005/1008/F – 74 The Homend, Ledbury.

56. CHAIRMAN'S ANNOUNCEMENTS

The were no Chairman's Announcements

57. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of Planning Appeals for the Northern Area of Herefordshire.

58. REPORTS BY THE HEAD OF PLANNING SERVICES

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.

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

The Principal Planning Officer read out the main contents of a letter received from the Agent acting on behalf of the applicant.

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

The Principal Planning Officer said that the application was contrary to Unitary Development Plan Policy H20 and that it would have an adverse effect on the Conservation Area.

Councillor WLS Bowen, the Local Ward Member said that although the application was contrary to a number of the Council's Planning Policies, it did have certain merit that could enable an exception to be made. Councillor JP Thomas was of the view that there should be further negotiations between the applicant and the Council's Strategic Housing Department before the application was determined.

RESOLVED THAT:

Consideration of the application be deferred pending further discussions with the Council's Strategic Housing Department and possibly a Housing Association in respect of the proposed development of low cost housing on the site.

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

The Principal Planning Officer said that the application was contrary to Unitary Development Plan Policy H20 and that it would have an adverse effect on the Conservation Area.

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

Councillor WLS Bowen said that although the application was against several of the Councils Planning Policies the location was well sited in a dell, that it was a sustainable proposal and that it would help with local tourism and employment provision. He felt that Policies E10 and E11 of the Hereford Unitary Development Plan had sufficient scope to enable the application to be approved. Councillor R Mills said that such applications in open countryside should not be granted and Councillor BF Ashton felt that the development should take place on the existing site and not relocated in a paddock. The Sub-Committee considered that because the application was linked to the previous one, there was merit in deferring its consideration.

RESOLVED THAT:

Consideration of the application be deferred for further information.

61. 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

The receipt of letter of objection from the Aymestrey Parish Council, adjoining neighbours and Trustees of the car park were reported. The Principal Planning Officer said that an application had been made for the listing of the adjoining Porch House and that because of this the Council was obliged to treat the application as though the building had already been listed and to refuse it.

The Committee considered details about the application and had serious reservations about the proposed method of gaining vehicular access and agreed with the views of the Principal Planning Officer that it would have an adverse impact upon the setting of Porch House. The Principal Planning Officer said that the application was also contrary to Unitary Development Plan Policy H20 and that it would have an adverse effect on the Conservation Area.

RESOLVED THAT:

The Planning Application be refused on the following grounds:-

- (i) the use of the proposed access for commercial purposes in such close proximity to Porch House would have a detrimental impact on the character of it and on the amenities currently enjoyed by the occupiers of the dwelling. As such the proposal would conflict with Policies A1 and A54 of the Leominster District Local Plan;**
- (ii) At the time of making this decision, the dwelling known as Porch House was the subject of an application for listing. As such the dwelling has been considered as listed at this time; and**
- (iii) The proposed access drive by reason of its close proximity and relationship to Porch House would have a detrimental impact on the setting of the potentially listed building. As such it would be contrary to Policy A18 of the Leominster District Local Plan**

62. [A] DCNC2004/3030/F AND [B] DCNC2004/2831/C - DEMOLITION OF A SINGLE DWELLING AND THE ERECTION OF 5 NO. DWELLINGS AT 25 NEW STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DR

The receipt of the observations of the Traffic Manager, a letter from Leominster Properties Limited and a letter from the agent acting on behalf of the applicant was reported.

Councillor JE Thomas, the Local Ward Member had a number of concerns about the application, particularly that only three car parking spaces would be provided for five properties. He also had reservations about the overlooking of adjoining properties and the density of the proposed development.

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 proposal represents an overdevelopment of the site so as to have a detrimental impact on the character and appearance of the Leominster Conservation Area. Accordingly the proposal conflicts with Policy A21 of the Leominster District Local Plan (Herefordshire).

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 Central 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.)

63. 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

Councillor Mrs LO Barnett expressed her appreciation for the hard work that had been undertaken by the Principal Planning Officer with the applicants in respect of the application. She felt that there was merit in the Sub-Committee undertaking a site inspection and the Sub-Committee was agreeable to her request.

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.

64. [A] DCNW2005/1217/F AND [B] DCNW2005/1219/C - PROPOSED ALTERATIONS TO EXISTING VEHICULAR ACCESS, ERECTION OF TWO DWELLINGS AND ANCILLARY STUDIO BUILDING AND GARAGES ON LAND ADJACENT THE OLD CORNER HOUSE, BROAD STREET, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8SA

The Principal Planning Officer said that an additional condition would need to be included in a Permission to insure that the retention of hedgerows which formed the boundary including the hedge between Wild Goose Chase and the site.

In accordance with the criteria for public speaking, Mr Anthony spoke against the application and Mr Kilvert spoke in favour of his application.

RESOLVED THAT:

That planning permission be granted with the following conditions and a further condition for the retention of hedgerows as outlined above:

DCNW2005/1217/F

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.

12. No existing trees and/or hedgerows on the site (other than those on the approved plans) to be removed, destroyed, felled, lopped or pruned without the prior consent in writing of the local planning authority.

Reason: To safeguard the amenity of the area.

13. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping.

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

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

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

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

65. 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

The receipt of seven further letters of objection from local residents and a letter from the CPRE reiterating concerns about the impact on the environment of the uncontrolled siting of caravans was reported.

In accordance with the criteria for public speaking Dr Ruth Brinton-Bivand spoke against the application on behalf of Eardisland Parish Council, Mr Vernon spoke in objection to the application and Mr Middleton, the Agent acting on behalf of the applicants spoke in favour of the application.

Councillor JHR Goodwin, the Local Ward Member had grave concerns about the removal of Condition 9 of the appeal decision because it had been imposed by the Planning Inspector following the Public Inquiry, to impose conditions on the location and number of caravans on the site. The Principal Planning Officer said that the application had been made following negotiations between the officers and the owners of the site following the receipt of complaints about the siting and number of caravans in April of this year. Her view was that the proposals put forward within the report were satisfactory and she explained why she considered that Condition number 9 could be varied. Notwithstanding the views of the Principal Planning Officer, the Sub-Committee had a number of concerns about 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 Local Planning Authority wish to maintain control over the siting of individual caravans in the interest of protecting the visual amenities, character and appearance of the surrounding area. Relaxation of this control would lead to the unrestricted siting of caravans that would be detrimental to the character of the surrounding rural area contrary to Policies A1, A19, A24 and A39 of the Leominster District Local Plan.

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 Central 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.)

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

The receipt of six letters of objection was reported. The contents of a letter received from the Almley Parish Council were read out by the Senior Planning Officer. He advised the Sub-Committee that he had considered all of the concerns raised by the objectors and by the Parish Council and that they had been fully addressed within his Report. He requested that he be given delegated powers to amend the conditions imposed on any Permission that was granted, as appropriate.

In accordance with the criteria for public speaking Mr Battenti spoke against the application and Mrs Reed, the Agent acting on behalf of the applicant spoke in favour.

RESOLVED THAT:

That the Officers named in the Scheme of delegation to Officers be delegated to grant planning permission subject to the following conditions and any additional appropriate conditions considered 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 - 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

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

The receipt of a fax from Bromyard and Winslow Town Council was reported.

In accordance with the criteria for public speaking Mr Cave of Bromyard and Winslow Town Council spoke against the application.

Councillor PJ Dauncey, one of the Local Ward Members, had concerns that the level of traffic use of Old Road, particularly to the adjoining factory estate and the supermarket would make it extremely dangerous for the proposed development to take place. He considered the proposal to be an overdevelopment of the site with inadequate access. Councillor B Hunt, the other Local Ward Member had concerns that the number of car parking spaces within the town had reduced considerably resulting in on-street car parking creating difficulties through the narrow streets. He was also of the view that the application constituted overdevelopment linked to highway safety issues and that it would create further traffic congestion problems in the vicinity.

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: -

Overdevelopment and highway safety issues

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 Central 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.)

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

RESOLVED THAT:

planning permission be granted subject to the following conditions:

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

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

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

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

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) (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

70. 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

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 - 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

- 71. 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**

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.**

72. DATE OF NEXT MEETING

07 September 2005

The meeting ended at 4.35 p.m.

CHAIRMAN

5 ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2004/4400/F**

- The appeal was received on 17th August 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs J Gwatkin
- The site is located at Tibhall, Pembridge, Hereford. HR6 9JR
- The development proposed is Extension of existing holiday lodge site providing an additional eight holiday units, with access road and landscaping
- The appeal is to be heard by Hearing

Case Officer: Kelly Gibbons on 01432 261781

APPEALS DETERMINED**Application No. DCNW2004/3347/F**

- The appeal was received on 25th April 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 Dr. M A C Plant
- The site is located at Knock Hundred, -, Bearwood, Leominster, Herefordshire, HR6 9EF
- The application, dated 29th September 2004, was refused on 1st December 2004
- The development proposed was Proposed replacement dwelling with new access
- The main issues are whether the proposal complies with the development plan policies for replacement dwellings in the open countryside, and the effect of the proposal on the character and appearance of the area.

Decision: The appeal was DISMISSED on 1st August 2005

Case Officer: Simon Withers on 01432 260756

Application No. DCNE2005/0007/RM

- The appeal was received on 6th May 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs D E Millington Jones
- The site is located at Land west of access to Millfields, Canon Frome, Herefordshire
- The application, dated 12th December 2004, was refused on 21st February 2005
- The development proposed was Single storey dwelling with attached garage
- The main issue is the effect of the proposed design on the character and appearance of the area

Decision: The appeal was DISMISSED on 12th August 2005

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

Case Officer: Ed Thomas on 01432 261795

Application No. DCNC2004/0706/F

- The appeal was received on 14th September 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 R.Harris Poultry Services
- The site is located at Upper House Farm, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LU
- The application, dated 5th April 2004, was refused on 12th July 2004
- The development proposed was Change of use, with associated highway works, from redundant farm buildings to non-commercial agricultural machinery repair and service workshop with off-road lorry parking.

Decision: The appeal was **WITHDRAWN** on 17 August 2005

Case Officer: Duncan Thomas on 01432-383093

Application No. DCNC2004/0707/F

- The appeal was received on 14th September 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 R.Harris Poultry Services
- The site is located at Upper House Farm, Edwyn Ralph, Bromyard, Herefordshire, HR7 4LU
- The application, dated 5th April 2004, was refused on 12th July 2004
- The development proposed was Change of use with associated works, from redundant farm buildings to non-commercial agricultural machinery repair and service workshop with off-road lorry parking.

Decision: The appeal was **WITHDRAWN** on 17 August 2005

Case Officer: Duncan Thomas on 01432-383093

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

7 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 O Barnett

A site visit was undertaken by Members on the 23rd August 2005. The report has been updated.

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.

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. Officer's 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 The Transportation Manager has also noted that the existing highway does not meet adoptable standards. This work must be done, at the developer's expense, under highways legislation (Section 278 Agreement). An informative note to this effect has been suggested.
- 6.8 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.
- 6.9 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 (secure 4 affordable housing units and education contribution) 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 - G27 (Landscape maintenance arrangements)

Reason: In the interests of visual and residential amenity.

8 - E08 (Domestic use only of garage)

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

9 - 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.

10 - No conversion of garage to habitable accommodation

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

11 - 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 - 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
- 7 - HN8 – Section 38 Agreement details
- 8 - HN9 – Drainage details for Section 38
- 9 - The applicants attention is drawn to the Highways Officers request that a turning head (14.5m) will be required at the southern end of the road and the kerb radii may need alteration at the junction at the northern end.

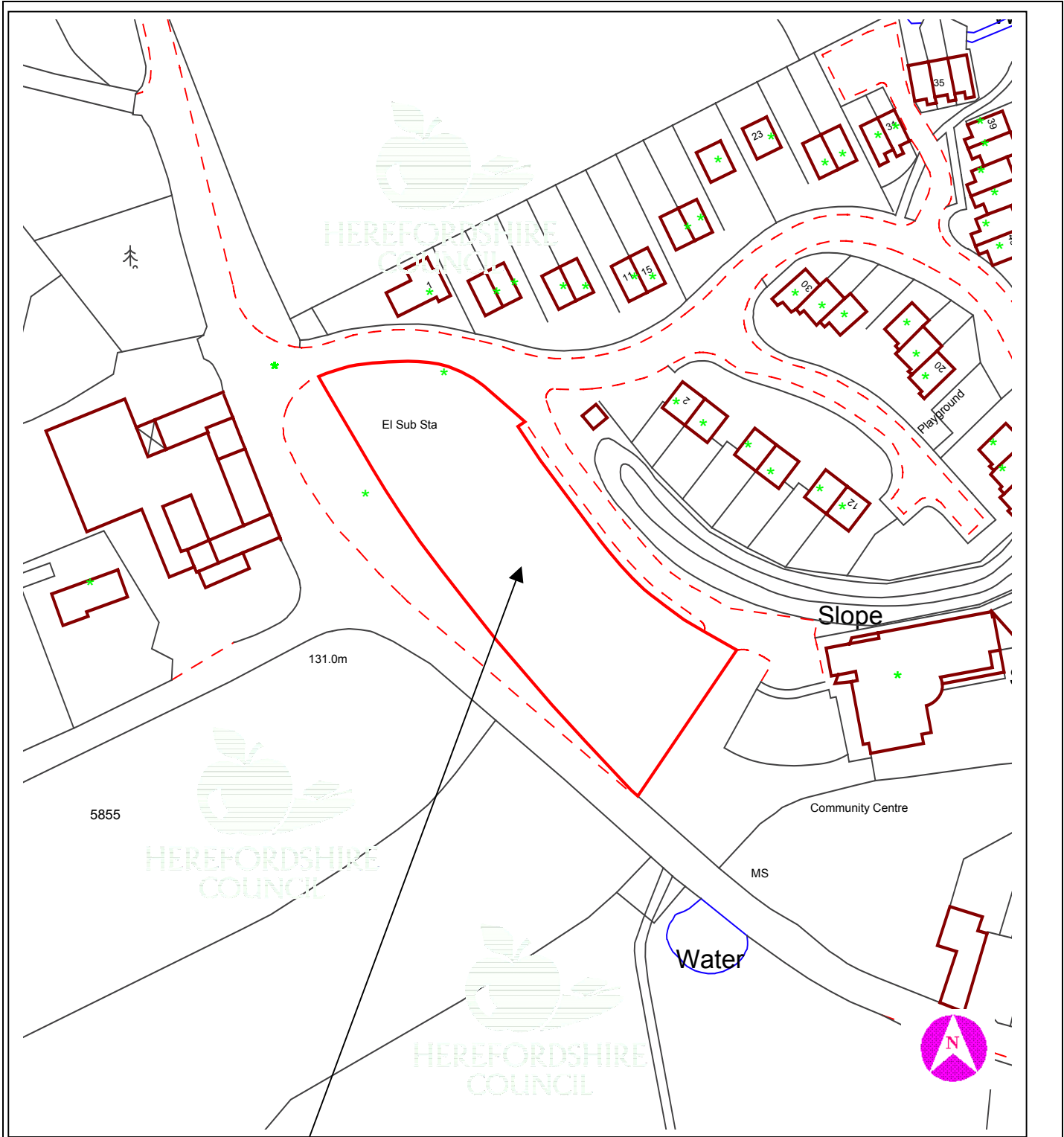
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/0688/F

SCALE : 1 : 1250

SITE ADDRESS : Off A4110 Land Adjacent to Kingsmeadow, Wigmore

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8 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

Expiry Date:

2nd August 2005

Local Member: Councillor J Stone

Ward:

Upton

Grid Ref:

53438, 58743

1. Site Description and Proposal

Introduction

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

- 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 Dec 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**

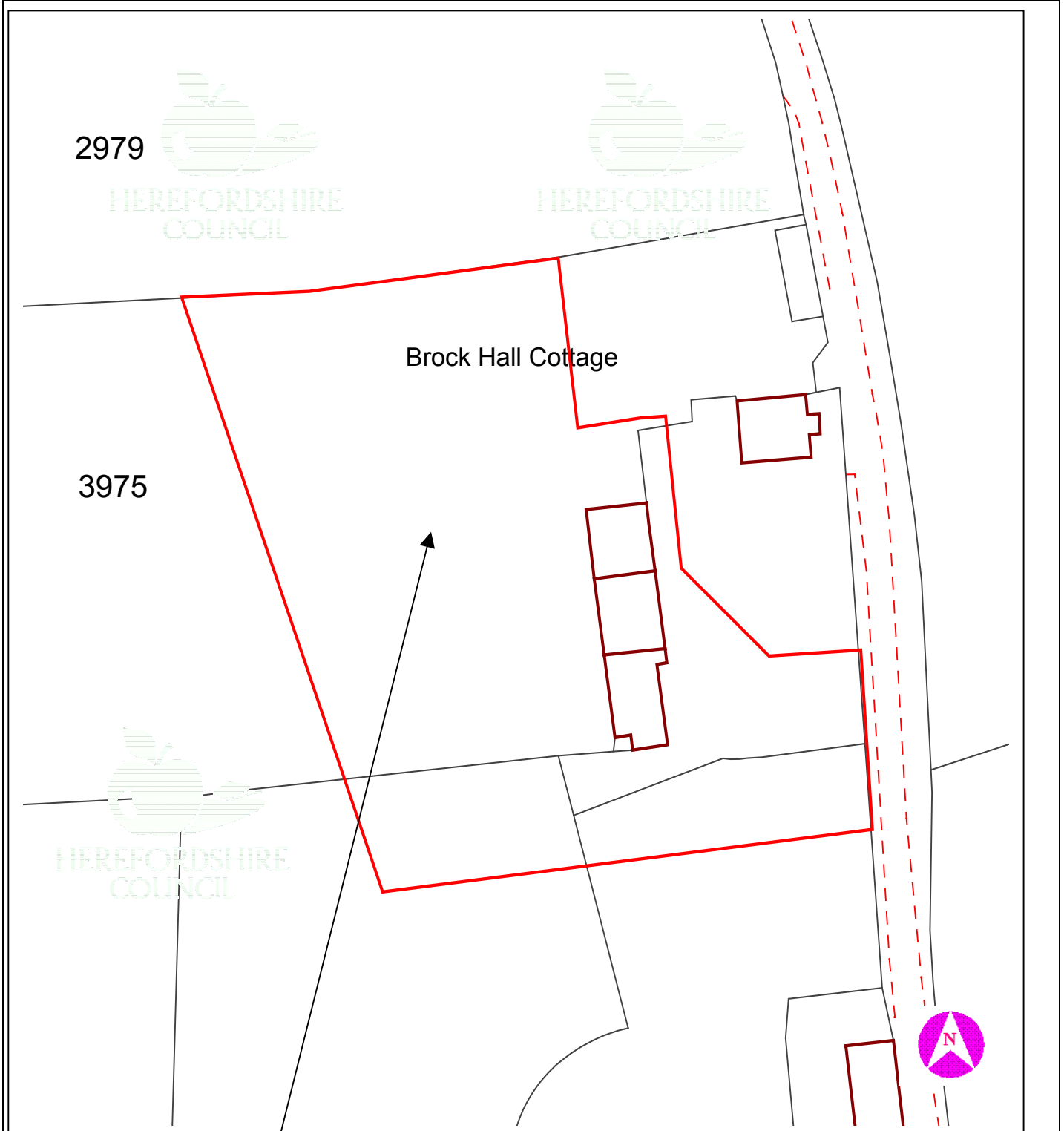
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/1854/F

SCALE : 1 : 665

SITE ADDRESS : Lower Brock, Hammish, Leominster, Herefordshire, HR6 0QS

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

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

Date Received:
31st March 2005

Ward:
Leominster South

Grid Ref:
49555, 58738
AJ/CR

Expiry Date:
26th May 2005

Local Member: Councillors R Burke and J P Thomas

Introduction

This application was deferred at the meeting of the Sub-Committee on 15 June for a site visit.

1. Site Description and Proposal

- 1.1 The site is currently known as Downs Garage, 70A South Street, otherwise known as the B4361, accessed through a carriage archway.
- 1.2 This archway leads off South Street (B4361) and adjoins the Listed adjacent Public House, listing number 2/204. The application site is the historic outbuildings for this Listed Building and as such is curtilage listed.
- 1.3 The area of the application site is 0.135 hectares known as Downs Garage now used for lock-up garages.
- 1.4 The amended application has been accepted such that this is an outline proposal to establish the principle of residential development only.
- 1.5 Currently the only access to this site is from South Street through the above-mentioned archway. The rear of the property is bounded by residential dwellings all of which obtain access through separate sources, to include Hawthorne Place and Wrights Court.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

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

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S3 – Housing

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

H2 – Hereford and the Market Towns: Housing Land Allocations

H14 – Re-using Previously Developed Land and Buildings

HBA4 – Setting of Listed Buildings

2.3 Planning Policy Guidance Notes

PPG3 – Housing

PPG13 Transportation

PPG15 - Planning and Historic Environment

3. **Planning History**

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

4. **Consultation Summary**

Statutory Consultations

- 4.1 Water Authority, Hyder: No response

Internal Council Advice

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

5. **Representations**

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

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

R J Chance of Poppies

Mr and Mrs Rooke of Orchard End

Mrs L Barrington of 68 South Street

The main planning points raised are:

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

These points are dealt with in the Officers Appraisal below.

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

6. Officers Appraisal

- 6.1 The application is purely for the principle of residential development and any details will be applied for in a Reserved Matters application.
- 6.2 The application raises a number of issues and each of these will be dealt with in turn.
- 6.3 Backland development - this is a description based on area arrangements in relation to existing properties. It is not in itself a reason to object to development, but requires consideration at the Reserved Matters stage if approved. The site has current use for lock-up garages in an area designated primarily as residential for the market town of Leominster. Policy A52 states that residential development will be permitted within these areas on small vacant or undeveloped sites not specifically identified for housing where the proposals can comply with criteria in Policy A1 and in particular Policies of A18, A21, A25, A29, A54, A55, A62, A63 as appropriate.
- 6.4 Overlooking - at present, land uses on site are of single storey. This is an outline application and this matter would be for review at the Reserved Matters stage, where this can be conditioned.
- 6.5 Privacy – again, this point is difficult to ascertain at this stage because the site is currently in a state where the present uses, (lock-up garages) include activities on site that would make this claim hard to substantiate – which is that that privacy loss would be greater with the proposed land use than with the existing permitted land use.
- 6.6 Noise – again, with reference to the previous or most recent uses, arguably the potential for noise from the present lock-up garages could be improved by change of use to residential.
- 6.7 In addition, it is considered that the proposal site could be suitably distant from any neighbouring dwellings to ensure that any future proposed reserved matters applications for specific dwellings need not cause any demonstrable loss of privacy, noise or overlooking. The scheme thus accords with the relevant policies in this respect.
- 6.8 Access – the Traffic Manager's response to this application recommends that any permission includes condition H29 for one cycle space per bedroom close to each dwelling. As this site is close to the town centre there is no requirement for onsite parking. Indeed it may prove necessary to limit on site parking for safety reasons.

Summary

- 6.9 This application requires a judgement on whether the site is appropriate for residential development only. Any view on the number of properties or transportation access that may or may not be applied for on this site are matters for a Reserved Matters application.
- 6.10 The property is within the curtilage of a Listed Building and adjacent to 2 further listed buildings. The current garaging use has ceased and lock-up garages remain in use. The site is therefore within the terms of Policies A52 primarily residential areas and Policy A30 redevelopment of employment sites to alternative uses.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 - A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 - A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

Informatives:

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

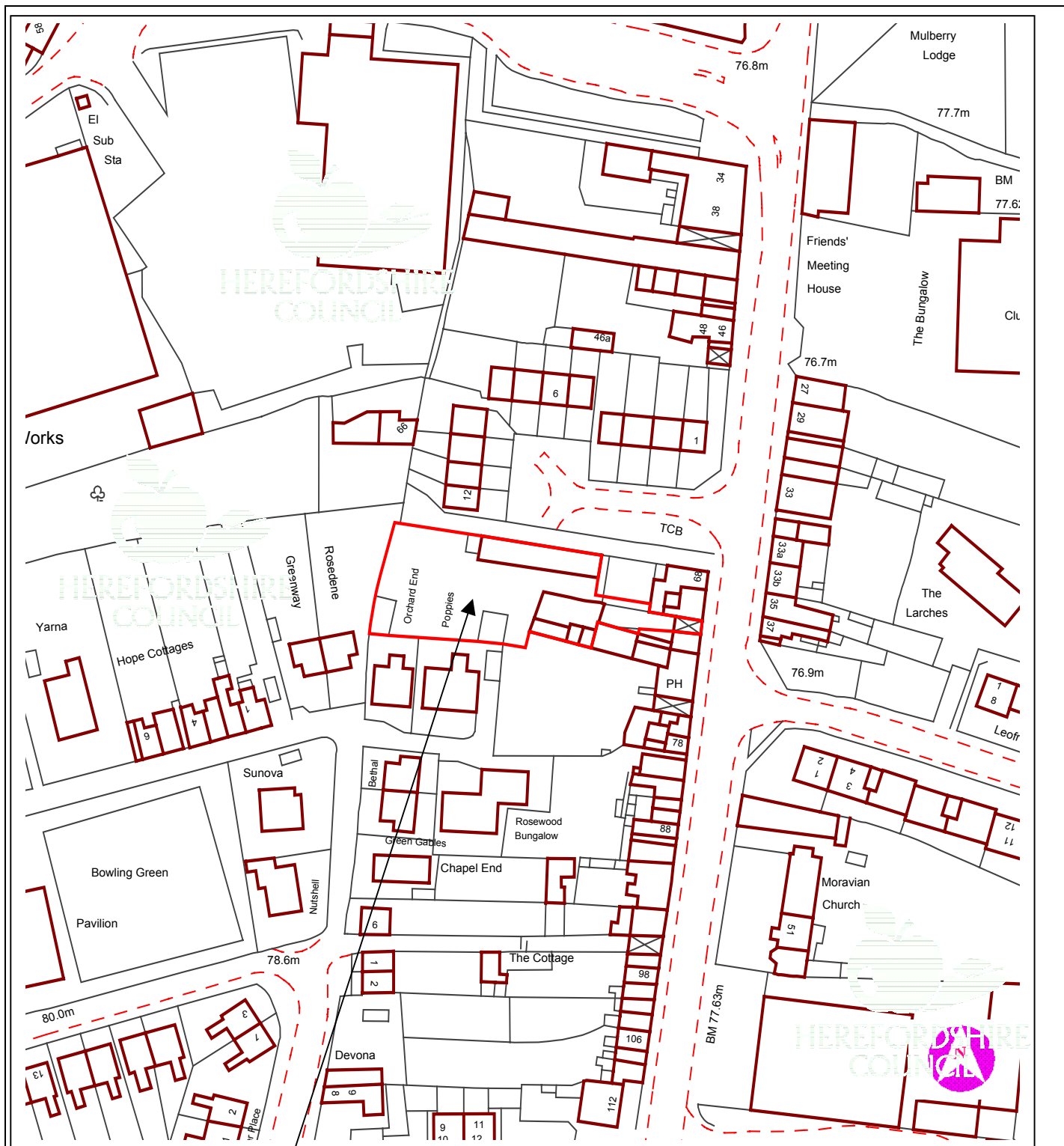
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/1075/O

SCALE : 1 : 1250

SITE ADDRESS : Downs Garage, 70A, South Street, Leominster, Herefordshire, HR6 8JF

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10 DCNC2005/2349/F - RESIDENTIAL DEVELOPMENT OF 44 DWELLINGS INCLUDING AFFORDABLE HOUSING ON LAND AT ST.BOTOLPHS GREEN, SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE

For: Westbury Homes (Holdings) per Mr G Brockbank, Hunter Page Planning Ltd, Thornbury House, 18 High Street, Cheltenham, GL50 1DZ

Date Received:

5th July 2005

Expiry Date:

30th August 2005

Local Member: Councillors R Burke and J P Thomas

Ward:

Leominster South

Grid Ref:

49738, 57888

1. Site Description and Proposal

- 1.1 The site is located north of Southern Avenue at the southern fringes of Leominster Town. To the west is the recently completed St Botolph's residential estate which will be used to gain vehicular access to the site. To the north is largely garden land associated with a nearby dwelling. East and south are existing industrial units forming part of Southern Avenue Industrial Estate. Ground levels fall from west to east within the site, the boundaries being relatively open other than the northern boundary where there is a relatively mature hedge.
- 1.2 The site lies within the settlement boundary for Leominster Town as identified in the Leominster District Local Plan and is specifically allocated both within the Local Plan and forthcoming Unitary Development Plan for employment purposes. Public Footpath ZC101 runs along the southern and eastern boundaries of the site with part of the footpath crossing the south-eastern corner and the majority of the site falls within the flood plain identified by the Environment Agency as a Flood Zone 1 category area.
- 1.3 The application proposes the construction of 44 dwellings, with 12 house designs, 35% of which (15 units) are affordable dwellings to be managed by a registered social landlord. The composition of houses is as follows:

Open market housing 9 four-bedrooms, 17 three-bedrooms, 3 two-bedrooms

Affordable housing: 7 three-bedrooms, 4 two-bedrooms, 4 one-bedroom

All of the open market housing has at least a single garage with one off-street parking space, and parking for the affordable housing is in the form of open plan parking with additional secure cycle storage. It is also proposed that the existing equipped play area be relocated to within the site with a new pedestrian link from the existing estate, along with the provision of a small equipped play area for children over the age of 7.

2. Policies

2.1 National Policies

PPS1 – Delivering Sustainable Development
PPG3 – Housing
PPG4 – Industrial and Commercial Development and Small Firms

2.2 Hereford and Worcester County Structure Plan

CTC9 – Development requirements

2.3 Leominster District Local Plan (Herefordshire)

A1 – Managing the district's assets and resources
A2 – Settlement hierarchy
A14 – Safeguarding water resources
A15 – Development and water courses
A23 – Creating identity and an attractive built environment
A24 – Scale and character of development
A27 – Maintaining the supply of employment land on industrial estates
A47 – Targets for housing land
A49 – Affordable housing on larger housing sites
A54 – Protection of residential amenity
A55 – Design and layout of housing development
A64 – Open space standards for new residential development
A65 – Compliance with open space standards

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable development
S2 – Development requirements
S3 – Housing
S4 – Employment
S6 – Transport
S8 – Recreation, sport and tourism
S11 – Community facilities and services
DR1 – Design
DR2 – Land use activity
DR3 – Movements
DR4 – Environment
DR5 – Planning obligation
DR7 – Flood risk
DR11 – Noise
H3 – Managing the release of housing land
H9 – Affordable housing
H13 – Sustainable residential design
H15 – Density
H16 – Car parking
H17 – Open space requirement
E5 – Safeguarding employment land and building
T1 – Public transport facilities
T6 – Walking
T7 – Cycling

RST1 – Criteria for recreation, sport and tourism
RST3 – Standards for outdoor playing and public open space

3. Planning History

NC2002/2418/F - Construction of control kiosk (for waste water pumping station) with fence around and access road to pumping station compound. Approved 27th September 2002

DCNC2004/2651/F – Residential development of 44 dwellings including affordable housing. Refused 23 March 2005. Appeal lodged.

DCNC2005/1225/F – Residential development of 44 dwellings including affordable housing. Refused 7 June 2005

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No in principle objection subject to conditions.
- 4.2 Welsh Water: No objection raised subject to condition concerning the control of foul and surface water.
- 4.3 River Lugg Internal Drainage Board: No objection subject to control over the surface water drainage runoff.

Internal Council Advice

- 4.4 Traffic Manager: No objection raised generally to the road and footpath layout and parking provision, but the proposed cycle storage facilities seem to be poorly thought out and a bit of an afterthought.
- 4.5 Public Rights of Way Manager: Public Footpath ZC101 runs across the proposed development site. A Public Footpath Diversion Order must therefore be confirmed and certified before the development is substantially complete. Also, the maximum height of any fencing shall be no greater than 2m along the footpath to prevent a tunnel effect, in the interest of public safety and enjoyment of the public footpath.
- 4.6 Strategic Housing will be seeking the full 35% affordable housing element as per the Supplementary Planning Guidance provision of affordable housing, i.e. 15 affordable housing units with a mix of tenure types managed by a Registered Social Landlord.

The location of the affordable units will need to be agreed by the Local Planning Authority and the RSL. The developer has not yet selected a RSL although a number of the preferred partner associations have been approached. Affordable housing must also meet the current Housing Corporation Scheme development standards and lifetime homes standards. The Section 106 Agreement accompanying any planning permission must include for these requirements and also that the affordable homes be available to future as well as initial occupants and that they will be allocated through Home Point Herefordshire.

The scheme is supported in principle by Strategic Housing but that support is subject to the above provisos.

- 4.7 Parks Development Manager: 'I am concerned that the proposed development is very dense and does not provide sufficient open space or play facilities for the potential number of users. If planning consent is granted for this development, I feel it would be appropriate to ask for the provision of off-site facilities that children from these new houses might travel to use. The most beneficial use of such a donation would be towards a skate park for Sydonia or, if this is not forthcoming, Herefordshire Council could use the money to provide equipment other than skate ramps for older children at Sydonia.'
- 4.8 Head of Economic Development:: Objects to the application due to the loss of employment land.
- 4.9 Drainage Engineer: 'Details of drainage is required to avoid flooding of Southern Avenue/Castlefields Estate and to attenuate flows to Kenwater/Lugg, Wye, etc.'
- 4.10 Forward Planning Manager:

Issue1 - Loss of Employment Land

The addition of paragraph 42a to PPG3 effectively creates a presumption that permission should be granted to applications, including housing, unless the planning authority can demonstrate a reasonable prospect of take up for employment purposes in the plan period. In addition housing should not undermine regional and local strategies for economic development and regeneration.

In terms of the Regional Spatial Strategy, Policy RR3 sets out the role of market towns such as Leominster to help regenerate rural areas by providing a focus for sustainable economic and housing development. Criteria B of this policy highlights the need to provide land for employment opportunities. Policy PA6 requires local authorities to provide a portfolio of readily available employment sites to meet the needs of the regional economy. The Leominster Enterprise Park is a sub regional employment site. The remaining sites on Leominster Industrial Estate are deemed as good quality employment sites.

Herefordshire Employment Land Study The draft Herefordshire Employment Land Study 2005 provides evidence of supply and take up of employment land in Leominster. Since the monitoring began in 1986 the average level of completions of employment land in the town has been 0.39 hectares per annum. Provided this rate continues, a further 2.34 hectares will be developed over the remainder of the Plan period (2005-2011). Currently there is a supply of 17.35 hectares of readily available land. Based upon these past take up rates this supply will last a further 44 years. In addition a further 3.25 hectares is classed as not readily available as the land is either physically constrained or not on the market. However, the new enterprise park may be a catalyst for new development over the next few years. Large scale employment land opportunities are limited in the county to Leominster Enterprise Park and Moreton-on-Lugg Depot that lies on the A49 between Leominster and Hereford. Supply is particularly constrained in Hereford at the current time.

Longstanding Sites Study - GVA Grimley on behalf of the West Midlands Employment Land Advisory Group undertook a Longstanding Sites survey in 2003. This site was one of the four sites in the county that were studied. The Study concluded that the prospects of the site coming forward were limited, stating "*the owners are seeking a higher value use for their landholdings, constraining the likelihood of the sites*"

becoming available for employment development". Further reasons given were that the Leominster Enterprise Park will meet demand for employment land; and employment development might be out of conformity with some surrounding uses. The economic development of the site would provide only a limited regeneration impact, the Study stating "This site is not insignificant in size terms, but its priority in respect of the employment land portfolio is low because of the development of the Leominster Technology Park (Leominster Enterprise Park), which appears to be meeting the demand which exists in the locality."

Issue 2 - Principle of housing development

Unitary Development Plan (UDP)

The emerging UDP was examined at a Public Local Plan Inquiry during spring 2005. The Inspector's Report is anticipated in 2006, with the aim of getting the Plan adopted later that year.

In policy terms, the land lies within the settlement boundary (policy H1) and the land is shown as safeguarded employment land in the UDP Revised Deposit. It should be noted that no duly made objections were received during the deposit periods of the Unitary Development Plan with regard to this site. Therefore UDP policy E5 has significant weight in any planning applications. Criteria 1 of policy E5 is particularly pertinent as the site is bordered on 2 sides by housing and the proposals may provide benefits to residential amenity.

Policy H19 sets out the open space requirements for housing proposals. For proposals in excess of 30 dwellings both a small children's/infants' play area and an older children's informal play space are required. In addition proposals should include appropriate amenity space. It is difficult from the plans to determine if sufficient open space has been provided within the development. It is unlikely that sufficient replacement open space has been made available for houses to the west either.

Leominster District Local Plan

The following comments were made to the previous application and are still pertinent: The proposed development is located within the settlement boundary of Leominster on land identified as an industrial estate, protected for this use through policy A27. Maintaining the supply of employment land on industrial estates. The policy seeks to ensure that such land brought forward to accommodate Part B uses is retained for that purpose in order to maintain a supply of land available for industry. Clearly the proposal is not a Class B use as it is residential and would therefore be contrary to Plan policy.

Even if the principle of residential development can be established there are some other issues that will need to be addressed.

From the plans submitted with the application there does not appear to be any buffer between the proposed residential development and the adjacent employment uses. PPG 4 (para 18) states that local authorities should consider carefully whether proposals for new development might be incompatible with existing industrial and commercial activities. It continues by citing an example, where residential development is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority and may give rise to pressure to curtail the industrial use. As there would already be a loss of employment

land there would be concern if development would lead to further losses. Policy A28, which provides development control criteria for employment sites, suggests within its supporting text that a 12m buffer would normally be sought for sites adjacent to residential areas. As the employment area is already established it would be reasonable to expect that the residential development should provide this size of buffer strip within its proposals to protect the amenity of its potential residents.

Policy A65 requires developments of greater than 30 family dwellings to provide a small children's/infant play spaces and older children's informal play areas. Where these can't be provided on site, financial contributions to such provision elsewhere may be made. This development is greater than 30 dwellings and in terms of open space standards should be considered in conjunction with the adjoining housing estate as it is proposed to remove their open space to make way for the access road. Not enough detail on the type of play area is offered within the application only that the size has increased, but what is within this new area is unclear. It should be noted that whilst this area of land may be appropriate for an infants and small children's play space, it is somewhat short of reaching the suggested size of 30x46m for an older children's play space as stated in the LDLP. There may be an opportunity to provide the older children's play area elsewhere either through land or contribution e.g. town council is currently seeking funds to develop a playing area elsewhere in the town which would be capable of serving a wide catchment. There is also concern about the location of this new play area. Whilst it is reasonable in terms of the proposed housing, it is some distance away from the existing facility that is meant to serve the St Botolph's residents (and is included within a condition for that permission). Coupled with this is the arrangement for the provision of a play area for the residents of St Botolph's during construction, at present there do not seem to be any in place. At present the proposal does not conform to policy in terms of open space. Infant play areas should be suitably positioned to serve both of the developments and make provision for older children.

The inclusion of 15 affordable housing units is welcomed and appropriate with regard to the percentage of those proposed to be developed (approximately 34%) in terms of policy requirements. However, advice should be sought from the housing section with regard to implementation and whether it is appropriate in this location in Leominster.

Summary

The Herefordshire Employment Land Study indicates that provided that take up continues at past rates there is an adequate supply of employment land to cater for the UDP Plan period (2011), the Regional Spatial Strategy (2021) and the foreseeable future beyond that. Furthermore the site was tested in 2003 in a regional Longstanding Sites Study. This Study concluded that the site had limited chance of coming forward for employment development in light of ownership aspirations, the Leominster Enterprise Park and surrounding uses.

There are however more detailed issues including potential nuisance problems with the adjacent industrial estate and an insufficient supply of open space for the development, and replacement open space for the development to the west, lost through the provision of the new access road. This proposal could only be acceptable if the aforementioned policy issues are satisfactorily addressed.

- 4.11 Head of Economic Development: The application site is located on designated employment land, which forms part of Leominster Industrial Estate. This is the main industrial estate in North Herefordshire and a key location for future employment growth within the County.

The application site is on land designated as an industrial estate and safeguarded for employment use by policy A27 of the existing Leominster District Local Plan and Policy E5 of the Herefordshire UDP Revised Deposit Draft. The site is bordered by industrial development to the east and west and Southern Avenue, the main industrial estate road, to the south. Residential development on the main industrial estates within the County should be strongly resisted in order to safeguard employment opportunities and facilitate future economic growth.

In October 2004, the construction of a major new access road was completed to provide a direct and greatly improved road link from Leominster industrial estate to the A49(T). The road was constructed with significant public sector investment, which was secured on the basis of the substantial economic benefits that would result from overcoming existing access constraints.

With improved communication links and readily available development sites, Leominster Industrial Estate is a prime business location and one of a limited number of unconstrained sites available currently available for development within the County. Over the past year a number of new developments have been completed on the industrial estate and development rates are expected to increase in the future.

Residential development on the application site would be in close proximity to existing employment uses and to Southern Avenue. This is likely to result in conflict between residential and employment uses in the future resulting from, for example, noise or emissions from employment uses and traffic using the industrial estate road.

It is acknowledged that the application site has remained undeveloped for a number of years. The Longstanding Employment Sites Study (January 2004) commissioned by The West Midlands Employment Land Advisory Group, however, refers specifically to the application site. The study concludes that the core reason for the site not coming forward is that:

“The owners are seeking a higher value use for their landholdings, constraining the likelihood of the sites becoming available for employment development.”

The Economic Development Unit are not aware that the land owners have ever marketed the site for employment use. This has clearly prevented the site being developed for employment use.

It is also acknowledged that there is currently a significant supply of employment land in Leominster as a result of the release of land at the new Enterprise Park. This, however, is a long-term development proposal, which was designed to supplement land available on the existing industrial estate.

The allocation of a major new residential site for over 400 dwellings at Baron's Cross in Leominster through the UDP will increase the need for local employment opportunities in the town over coming years. It is therefore important that existing employment sites on Leominster Industrial Estate are retained to facilitate future economic growth.

At a County level there is a limited supply of unconstrained employment land available for development. The application site is an integral part of Leominster Industrial Estate and contributes towards the provision of a portfolio of employment land within both Leominster and the County as a whole. From an economic development perspective, it is recommended that the site should be safeguarded for employment use.

5. Representations

5.1 Leominster Town Council: Recommend refusal, as the Leominster District Local Plan and Draft UDP show the land as being outside the settlement boundary and designated for light industrial use. An additional concern would be the discharge of traffic from the access road onto the industrial estate.

5.2 Seven letters of objection have been received. Points raised are:

1) The use of the existing estate for all traffic including construction traffic will be dangerous, as the estate road is not suitable to accommodate the likely traffic. All traffic should utilise the proposed alternative access via Southern Avenue.

2) The access road is off a busy main road. Increase in traffic will be dangerous.

3) The parking provision is inadequate. The existing estate already suffers from congestion due to lack of parking and there being no visitor parking available.

4) The speed limit should be reduced on Hereford Road down to 30mph due to its residential status along with additional signs saying 'Children and play area'.

5) The site is not part of the Council's plan for extra housing in Leominster which is being dealt with at Barons Cross.

6) There must be access onto Southern Avenue.

7) If permission is approved, the new site compound should be located so as to minimise the noise, dust and dirt for residents.

8) The narrowing of the roads to reduce the speed and generally calm down traffic is a good idea in principle but when 2 cars meet I am concerned whether there is sufficient space to allow them to pass particularly with on street parking.

9) Alexander & Duncan, Agricultural Engineers, adjoin the eastern boundary who operate 7 days a week often from dawn to dusk involving large and noisy machines serving the agricultural community. They also operate an outdoor tannoy system which covers their entire site for communication purposes and are fully alarmed through the night.

5.3 The applicant has submitted an accompanying statement that concludes:

The need for further housing development within Leominster is recognised and there is significant support for the use of land previously allocated for employment use.

Government advice dictates that where existing allocations for employment land are unlikely to be delivered, local planning authorities should review their designation and favourably consider proposals for housing.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Clearly in this case, there are significant material considerations that suggest the employment allocation of this site is superfluous.

Leominster provides a sustainable location for further residential development, because of the range of services/facilities provided, its existing physical and social infrastructure and the lack of development constraints on this particular site. As such the development of this site for residential use fully accords with Government advice as expressed through PPS1 and PPG3.

The site will not come forward for employment uses because there is a reasonable supply of relatively inexpensive second hand accommodation to cater for local demand and the Leominster Enterprise Park is the best located available site and will therefore be developed before any other sites in the town. The Leominster Enterprise Park represents 25 years supply of employment land. This situation is exacerbated as the application site is only suitable for B1 Use and the limited demand for such use is taken up by the Advantage West Midlands development.

This statement has demonstrated that the development of the application site for residential use is entirely in accordance with national and strategic advice. In addition it is clear that;

- The loss of this employment site will not frustrate the supply of employment land within the district of Leominster.
- National and Strategic Planning policies support the review of existing employment allocations, particularly where such allocations are unrealistic or not required to meet future employment needs. Such sites are seen as an opportunity for residential redevelopment.
- The site provides an ideal housing opportunity, which conforms to both national and local planning policy.
 - It is accessible to jobs, shops and services.
 - The existing infrastructure of the town can support further development.
 - There are no significant physical or environmental constraints on the site.
 - It represents appropriate development within a market town, which endorses the principles of sustainable development.
- There is an identified need for further housing in Leominster and a general expectation that windfall housing sites will make a significant contribution to the town's housing up to 2011.
- The proposal includes 15 affordable housing units to be provided in conjunction with a Registered Social Landlord.

We therefore respectfully request that this application is favourably determined.

5.4 The applicant has commissioned an employment land study that concludes:

Despite Leominster being one of the five Market Towns of the County, requirements/activity in the County concentrates on Hereford and to a lesser extent, the towns of Ross-on-Wye and Ledbury which both benefit from access to the M50.

The commercial market is "localised" and therefore the town serves indigenous companies and is not considered an appropriate relocation/expansion area for Hereford based companies nor is it likely to attract inward investment in view of the unavailability of grant assistance and the 29 miles distance of the town from the motorway network.

New employment land in Leominster has only been provided with public sector assistance following completion of on site infrastructure for the new Enterprise Park.

This site which offers an extensive choice of serviced development plots for the needs of locally based occupiers represents a substantial allocation of land for a town the size of Leominster providing a total of 11.69 hectares (28.9 acres). In our view this is the best located available site in the town and will be developed before other sites.

The level of take up is dependent upon demand from locally based companies and is unlikely to be assisted by the provision of speculative development which is not viable other than in instances to provide a low content of space for existing demand.

There is a reasonable supply of inexpensive second hand accommodation to cater for local demand. In addition there is significant accommodation and land available at Moreton Business Park, which is closer to Hereford.

I have analysed the take up of land the various survey information available. The most positive figure is represented by an analysis of the Herefordshire County Industrial Needs Survey, which I assess to represent a take up of only 0.46 hectares (1.14 acres) per annum. If applied to the available land on Leominster Enterprise Park this provides a supply of in excess of 25 years.

For reasons stated I believe that the site subject to this application of 1.2 hectares (2.96 acres) is not needed for employment purposes for freehold and leasehold requirements during the Plan Period to 2011 or for the foreseeable period beyond.

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

6. Officer's Appraisal

- 6.1 The main issues for consideration with this application are:

- 1) The principle of development
- 2) Amenity issues
- 3) Density, layout and design
- 4) Open space requirements
- 5) Other material considerations

1) The principle of development

- 6.1 Policy A27 of the Leominster District Local Plan and Policy E5 of the Draft UDP specifically outline that the change of use of allocated employment sites to non-employment uses such as residential, will not be permitted. As such, the development is contrary to both the Local Plan and Draft UDP policy in this regard. Housing and employment allocations generally coincide with the life of any particular Development Plan. Planning Policy Guidance Note 3 indicates that such allocation should be reviewed periodically to assess whether land allocated for employment is likely to be realistically taken up in the quantities envisaged over the lifetime of the Development Plan.
- 6.2 Paragraph 42 states in particular that Local Planning Authorities should review all their non-housing allocations when reviewing the Development Plan and consider whether some of this land might be better used for housing or mixed use developments. Paragraph 42a of the Draft Revision to PPG3, dated September 2003, goes a stage further and suggests that applicants may expect an expedient

and sympathetic handling of planning proposals on land allocated for industrial or commercial use in Development Plans but which is no longer needed for such use.

- 6.3 Based on information provided by the Draft Herefordshire Employment Land Study 2004 and a further study conducted by West Midlands Employment Land Advisory Group, there is likely to be an oversupply of employment land in Leominster up to and beyond the end of the U.D.P. Plan period (2011). Furthermore, the study reveals that the application site is unlikely to become available for employment purposes due to the owner's desire for higher land value. The short / medium term employment land supply is satisfactorily provided by other areas of the existing industrial estates and the new Leominster Enterprise Park. However, the Head of Economic Development comments that the application site is an integral part of Leominster Industrial Estate and contributes towards the provision of a portfolio of land within both Leominster and the County as a whole. From an economic development perspective the site should be safeguarded for employment use. I am further encouraged in this view by the Regional Spatial Strategy which looks forward to 2021. There is a risk that if this site is not available for employment use after 2011 then that will lead, in due course, to a need for more, new employment land to cover the period up to 2021. A permission for residential use now would prejudice the long term availability of employment land.
- 6.4 The site cannot be regarded as brownfield or previously developed land and therefore the normal sequential test outlined in PPG3 for the release of housing land does not necessarily apply to this site. Nevertheless, both PPS1 and PPG3 promote a planning framework, which should be supportive of development in sustainable locations where the need to travel is minimised. In this regard, although sited on the fringes of Leominster Town, the site is within walking distance of the Infants School, Junior School and Minster College and has good footpath and bus links with the town and therefore access to all the basic facilities and amenities whilst also being close to employment base.
- 6.5 To conclude, the development of the site will be contrary to both local and emerging employment policies within the Development Plans.

2) Amenity issues

- 6.6 The proposed layout safeguards a satisfactory level of privacy and amenity for the existing residents.
- 6.7 As the site is bordered by existing industrial premises to the east and a busy estate road with further industrial units to the south, the impact of any potential noise sources on the amenity of the occupants of the proposed dwellings must also be considered. In this regard, the applicants have submitted a noise report, which includes actual and predicted noise readings. The findings of this report have been assessed by Environmental Health, the conclusion being that with the exception of property 39 in the south-western corner of the site, potential noise levels can be controlled to a satisfactory level through various measures including provision of a 2m high close-boarded fence along the boundaries, restriction on number of windows on elevations bordering industrial units and the use of acoustic ventilators to habitable rooms at ground and first floor of the most affected properties. The noise report suggests that plot 39 (south-western corner) is likely to be subject to unacceptable noise levels from Bengry's Car Wash immediately to the south. However, given that there are newly constructed properties within a similar proximity

to this car wash and no complaints of noise have been generated, the situation is considered acceptable.

3) Layout, density and design

6.8 It is considered the presented layout achieves an interesting and coherent residential environment complementing the adjoining residential estate and the character of Leominster generally. The layout incorporates a home zone area where pedestrians and vehicles have equal priority and other measures such as reduced road widths, on-street parking, contrasting shared services and the use of the street furniture and trees all go towards creating a more an informal layout whilst also reducing the speed of vehicles making a safer pedestrian environment.

6.9 The proposed density equates to around 36 dwellings per hectare, which is in line with both Development Plan policies and PPG3 guidance. However, the density is likely to appear higher due to the number of detached and semi-detached properties, the siting of some properties directly fronting the road, and the height with a numbering being 2½ storey. Such arrangements of properties can be found elsewhere in Leominster and is not considered unacceptable. The designs will largely be similar to the existing St Botolph's estate with 12 different house designs proposed. This mix of house types along with the use of a different palette of materials and subtle changes in the detailing, will give the development its own identity complementing the local vernacular evidenced elsewhere in Leominster.

4) Open space provision

6.10 The applicant proposes to relocate the existing play area to within the application site along with additional soft landscaping around. As such, there will no longer be an infants' play area within the existing estate. In addition, an equipped play area for ages 7+ is to be provided on the eastern boundary of the site. No casual amenity or open space of any note is proposed. Whilst the equipped play area and over 7's provision is welcomed, the proposed provisions fall a long way short of that which is recommended both within the Local Plan and the UDP, particularly given that the necessary provision must be viewed in conjunction with the existing estate, now completed. The applicants have been reluctant to enlarge the open space provision. Therefore, in view of the short fall, a financial contribution is required to be used towards the provision of a new skate park at Sydonia in central Leominster. Such a contribution will be submitted to Herefordshire Council by way of legal agreement.

5) Other material planning considerations

6.11 Concerns have been expressed by residents regarding the proposal to provide access to the site through the existing estate. Whilst Highways raise no objection to this, the applicants have taken on board the concerns and propose to provide the principal access to the site via Southern Avenue with the currently proposed site access being restricted for pedestrian use only through the use of bollards. However, as this entails land outside of the application site, this would be subject to a separate application should permission be given for the development.

6.12 The Public Rights of Way Manager has commented that a public footpath runs along the southern and eastern boundaries of the site and in fact crosses the south-eastern corner. As such, a formal Diversion Order will be required. The existing footpath along the eastern boundary is currently unsurfaced, overgrown with vegetation in parts and is not floodlit.

6.13 The development also incorporates the construction of 15 affordable dwellings equating to a provision of 35.4%. Leominster Housing Needs Survey 2003 and Home Point Herefordshire estimated a net total requirement of 143 units within Leominster. Therefore, the provision of the units on this site is welcomed. The tenure is likely to comprise a mixture of rented, supported housing and shared ownership, all managed by a Registered Social Landlord. The precise mix of house types and sizes is yet to be agreed but will be finalised through the preparation of the legal agreement should permission be approved.

Summary

6.14 The development site lies within the settlement boundary for Leominster that is presently allocated for employment purposes both within the Local Plan and Unitary Development Plan. Notwithstanding the conclusion of the employment land study commissioned by the applicant it is considered the site should be retained for employment use so as to increase the opportunities for local employment opportunities in Leominster in the long term.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 - The proposed development would result in the loss of land specifically allocated for employment use in both the adopted Leominster District Local Plan and emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). As such, the proposal is contrary to Policies A1 and A27 of the Leominster District Local Plan (Herefordshire) and Policies S4 and E5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and would prejudice the future provision of employment land as envisaged in the Regional Spatial Strategy for the West Midlands, Policy RR.3.**
- 2 - The proposed access route through the existing St Botolph's estate would result in an unsatisfactory form of development and the consequential increase in vehicle movements and the associated construction traffic would adversely affect the amenities of residents of the existing estate. The proposal is therefore also contrary to Policies A1, A54, A55 and A70 of the Leominster District Local Plan (Herefordshire) and Policies DR2, DR3 and H13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft).**

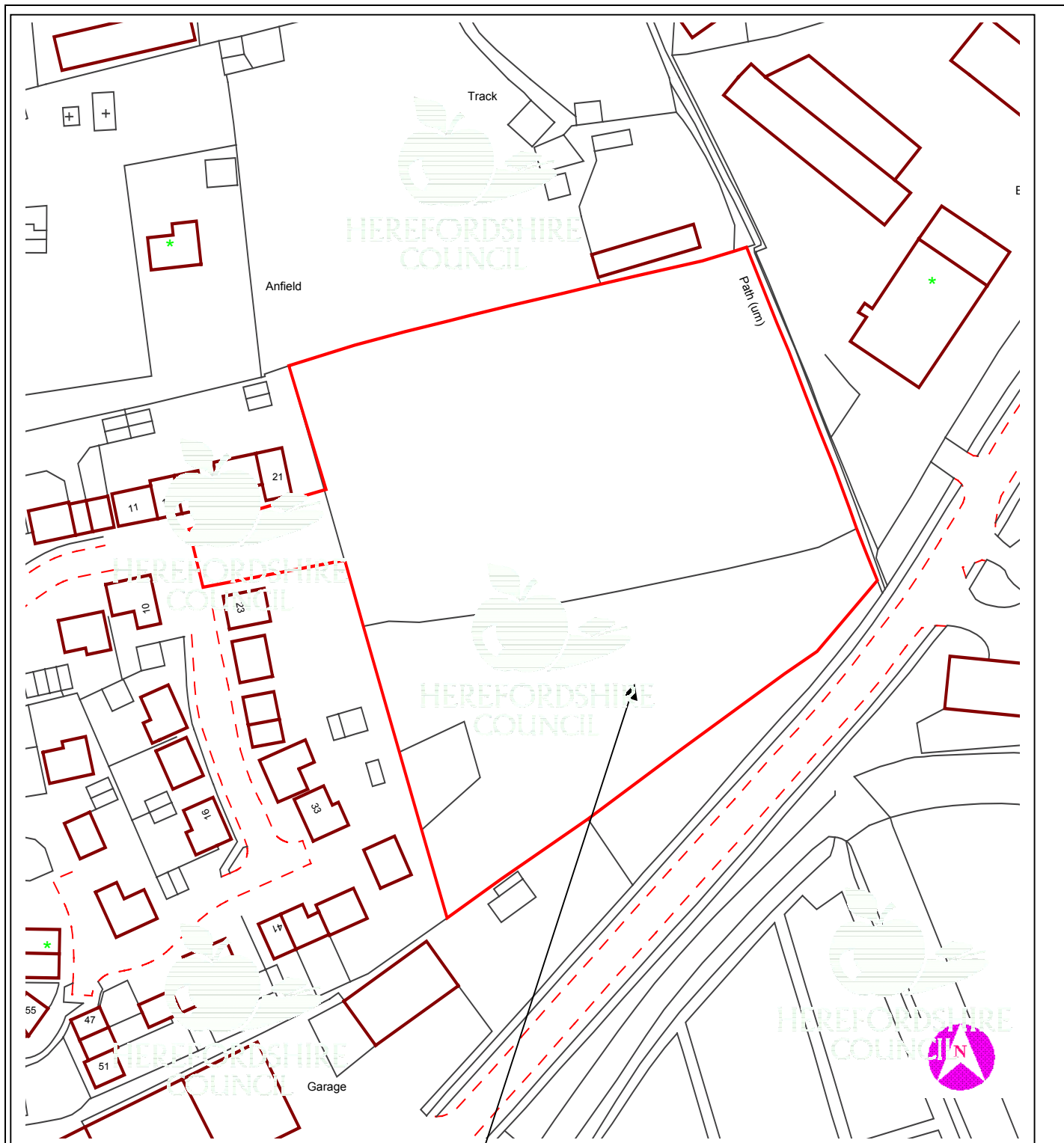
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/2349/F

SCALE : 1 : 1250

SITE ADDRESS : Land at St.Botolphs Green, Southern Avenue, Leominster, Herefordshire

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11 DCNC2005/2492/O - SITE FOR A DETACHED HOUSE WITH INTEGRAL GARAGE AT 60 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AN

For: Mr & Mrs S Peplow per Mr L Lloyd, Rosedale, Tenbury Road, Bromyard, Herefordshire, HR7 4LW

Date Received:
29th July 2005

Ward:
Bromyard

Grid Ref:
65068, 54536

Expiry Date:
23rd September 2005

Local Member: Councillors P Dauncey and B Hunt

1. Site Description and Proposal

- 1.1 The site is located in a designated residential area within the settlement boundary of the Market Town of Bromyard. The site is in the back garden of No. 60 Old Road, with existing access from Clover Terrace. To the east of the proposal site is a dwelling, the corner plot in Clover Terrace permitted by this Committee on 10th July 2002. To the west are the rear gardens of properties fronting West Hill for Old Road. Opposite the plot and to the north is a row of terraced dwellings.
- 1.2 Outline planning permission is sought for one dwelling on the site. All matters with the exception of the means of access are reserved for future consideration.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 2 – Development in Main Towns
Housing Policy 3 – Settlement Boundaries
Housing Policy 18 – Tandem and Backland Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

H1 – Hereford and Market Towns: Settlement boundaries and established residential areas

Government Guidance

2.3 PPG3 - Housing

3. Planning History

DCNC2004/3525/F - New vehicular access. Approved 29.11.04.
NC02/1322/F – Adjacent plot. Site for 1 no. two storey dwelling, new vehicular access and double garage. Approved 10.7.02

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Bromyard Town Council: No response as yet.

5.2 Objections have been received from:

Mr and Mrs M S Box, of 8 Clover Terrace, Bromyard.

- a) Loss of light.
- b) Loss of privacy.
- c) Loss of amenity during construction.
- d) Transportation concerns.

5.3 Letters of comment has been received from Mr and Mrs Perry of 62 New Road, Bromyard, and E A Bateson of Haslemere, 64 New Road, Bromyard. Both relate to requests that no windows be put in the western elevation.

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

6. Officers Appraisal

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

- 1.The principle of infill development
- 2.Impact on the character of the locality/Highways issues.
- 3.Impact on residential amenity.

6.2 The principle of infill development

Malvern Hills District Local Plan policies support the general principle of infill development within town centre locations such as this and this reflects the advice set out in Planning Policy Guidance 3 - Housing which encourages the efficient use of windfall sites within established settlements.

6.3 Impact on Character of Locality/Highways Issues

At this outline stage, the application is broadly concerned with the principle of whether the site is appropriate for residential development, although the means of access also requires formal consideration at this stage.

- 6.4 The site is located beside an existing new dwelling on Clover Terrace and opposite other dwellings and as such an appropriately designed dwelling would not appear out of keeping with the general grain of development in the locality. This has been established recently following the approval of permission on an adjacent site.
- 6.5 Furthermore there is existing vehicular access serving Clover Terrace and the Traffic Manager's comments are noted, that there are no transportation objections to the application.
- 6.6 Whilst the neighbour's objection reasons to the proposed application are clearly all material planning considerations, advice from the Traffic Manager indicates that the access and highway safety issues cannot be upheld as reasons to object to the application.
- 6.7 **Impact on residential amenity**
- The objector comments on loss of amenity during construction, which can be appropriately controlled by conditions. In addition the layout offers sufficient amenity space for the proposed dwelling and existing property on site.
- 6.8 Loss of privacy and light to adjacent residents are considerations but the detailed design of any dwelling and its impact on neighbouring property would be addressed at the reserved matters stage and in this instance do not represent grounds for refusing this outline proposal.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3 - A04 (Approval of reserved matters)

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

4 - A05 (Plans and particulars of reserved matters)

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

5- H12 (Parking and Turning – single house) for 3 cars

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

Informative:

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

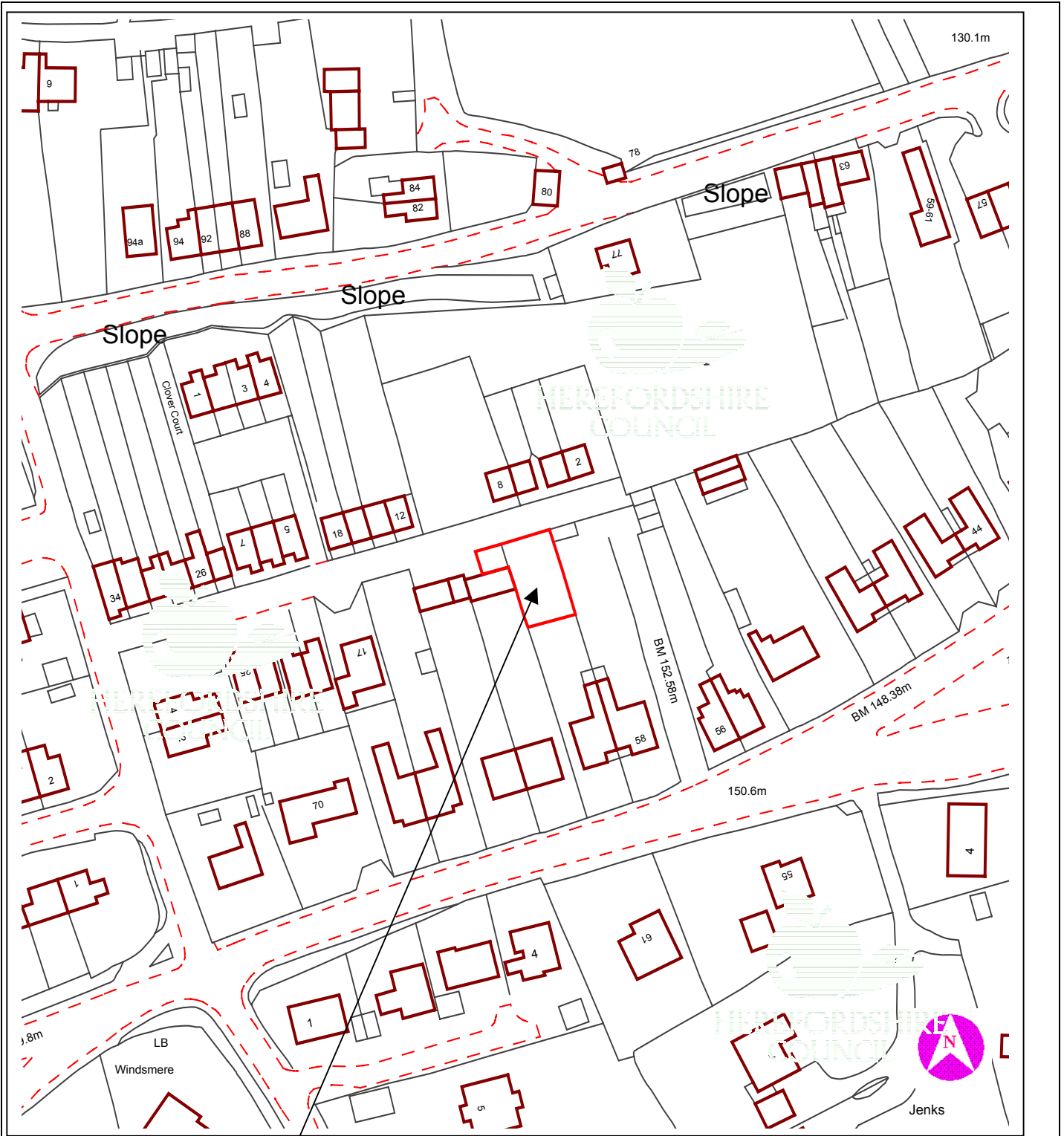
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2005/2492/O

SCALE 1 : 1250

SITE ADDRESS : 60 New Road, Bromyard, Herefordshire, HR7 4AN

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12 DCNE2005/2060/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DWELLING WITH DETACHED GARAGE BLOCK AND REPOSITIONED ACCESS AT YEW TREES, MATHON ROAD, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6EW
For: Winslow Construction Ltd per Linton Design Group, 27 High Street, Bromyard, Herefordshire, HR7 4AA

Date Received:
22nd June 2005

Ward: Hope End

Grid Ref:
75535, 44050

Expiry Date:
17th August 2005

Local Member: Councillor R Stockton

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of a dwelling and detached double garage in replacement of the existing dwelling at Yew Trees, Mathon Road outside Colwall. The site falls within open countryside to the southern edge of the C1162. The wider area is designated as both an AONB and AGLV in recognition of the intrinsic landscape quality.
- 1.2 At present buildings on site comprise the existing cottage, with attached single-storey outbuildings and detached Compton style garage. It would appear that the existing habitable accommodation is relatively modest comprising a small kitchen, dining room, bathroom and sitting room downstairs with 2.no bedrooms over. Further room at first floor is limited to box-rooms. Stone built outbuildings (of limited architectural interest) are linked by what is best described as a fully enclosed single-storey UPVc porch. The building is located adjacent to the roadside.
- 1.3 The proposal is for the demolition of the dwelling and existing sheds, and replacement with a new dwelling and detached double garage. It is proposed that the dwelling be located further into the site to enable the retention of the eponymous Yew trees. The revised siting requires the extension of the domestic curtilage, whilst a new vehicular access is also proposed.
- 1.4 The plans currently under consideration currently are an amendment to the original submission, which was considered unacceptable owing to issues of both scale and design. Local Plan policy Housing 4 requires that replacement dwellings are comparable in size with the dwelling to be replaced.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside

Landscape Policy 2 – Areas of Outstanding Natural Beauty

Landscape Policy 3 – Development in Areas of Great Landscape Value

2.2 Hereford and Worcester County Structure Plan

CTC1 – Development in Areas of Outstanding Natural Beauty
CTC2 – Development in Areas of Great Landscape Value
CTC9 – Development Criteria
H16 – Housing in Rural Areas
H20 – Residential Development in Open Countryside

2.3 Herefordshire Unitary Development Plan

DR1 – Design
H7 – Housing in the Countryside Outside Settlements

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager - Recommends that conditions in respect of the proposed new vehicular access

5. Representations

5.1 The comments of Mathon Parish Council are reported below in full:

The proposed size of the replacement house is too big - 4 bedrooms replacing 2 bedrooms of the existing building.

The new build is not on the footprint of the existing building.

It does not fit within the existing curtilage.

Mathon Parish Council feels that a small country cottage, which adds to the varied character of the village, should not be replaced by a large executive style house. This house style threatens the character of the rural village of Mathon.

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

6. Officer's Appraisal

6.1 The proposal seeks permission for the removal of the existing dwelling and outbuildings and replacement with a new dwelling and detached double garage. It is considered that the key issues in the determination of this application are consideration of the size of the replacement in relation to the existing, the design and character of the replacement having regard to the character of the area, the suitability of the revised location and the acceptability of the extension to the domestic curtilage.

Size and Scale

6.2 The existing dwelling is a modest two bedroomed cottage set towards the front of the site. It has a floor area of approximately 90 square metres with outbuildings adding a further 16 square metres. The proposed new house would be a four bedroomed house and, in terms of floor area, half as large again at approximately 150 square metres. It would, however, be set further back within the plot. The policy which requires replacement dwellings to be “comparable in size and scale” (Unitary Deposit Plan policy H.7) is driven by the desire “to protect the landscape and the wider environment” (UDP paragraph 5.4.72). In this case the impact of the new dwelling on the landscape of the locality is very limited for the following reasons:

- the ridge height of the new dwelling is only 750 mm higher than the existing dwelling
- the new dwelling is proposed to be sited further back into the plot
- the existing trees plus any new landscaping will minimise the visual impact of the new dwelling.

Consequently, despite the significant increase in size by comparison with the original dwelling I consider that the purpose of the policy is achieved by the current proposal.

6.3 The impact of the development on the landscape can be mitigated further by imposing conditions regarding finished floor levels and restricting permitted development.

Design and Character

6.4 Local Plan policy H4 makes no specific requirement that replacement should replicate the style of the existing dwelling. In any event, in this case, the existing cottage has little architectural merit.

6.5 The proposed replacement dwelling has cottage style traits, such as the eaves height dormer windows and as such is an improvement upon the originally submitted scheme. The dwelling is presented end on to the road and the existing mature Yew trees, which are to be retained, will partially screen the development from public vantage points.

6.6 The submitted plans indicate that the dwelling would be constructed of brick under a plain tile roof, although a condition would be imposed requiring submission of sample materials should members be minded to approve the application. Overall, the design and character of the proposed replacement dwelling do not present substantive grounds for objection provided that appropriate materials are used.

Location within the plot

6.7 The location further from the road enables the retention of the Yew trees, which benefits the proposal. It is very likely that any extension or other redevelopment of the existing property would require the loss of some, if not all of these trees. The Local Plan policy does not require that the replacement should occupy the same footprint as the existing dwelling. In this case the revised location is arguably an improvement.

New vehicular access

- 6.8 The existing vehicular access is located at the western edge of the road frontage. This is an undesirable location, and would be prejudicial to the wider interests of highway safety if it were brought back into use. The transportation officer considers the relocation of the access to the eastern edge of the frontage an improvement to highway safety subject to the imposition of conditions on any approval.

Extension to domestic curtilage

- 6.9 The proposed extension of the curtilage refers to a strip of land to the south of application site. The extension is necessary to permit the siting of the dwelling in the location proposed. Landscape Policy 5 of the Local Plan permits conversion of agricultural land to domestic curtilage where it would not detract from the landscape character of the area, or otherwise adversely affect the viability of an agricultural holding. In this instance the land is not in agricultural production and is not readily visible in the wider landscape. The conversion of this land does not, therefore, have a significant adverse impact on the landscape.

It is recommended that planning permission be granted subject to the imposition of the conditions outlined below.

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 are appropriate in this Area of Outstanding Natural Beauty harmonise with the surroundings.

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

Reason: In the interest of preserving landscape quality of this Area of Outstanding Natural Beauty.

- 4 - F18 (Scheme of foul drainage disposal)**

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

- 5 - 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.

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

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

- 7 - G06 (Scope of landscaping scheme)**

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

- 10 - H05 (Access gates) (5 metres)

Reason: In the interests of highway safety.

- 11 - H08 (Access closure) (vehicular)

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

- 12 - H13 (Access, turning area and parking)

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

- 13- Prior to the first occupation of the dwelling hereby approved, the existing dwelling shall be permanently removed from the site.

Reason: The proposal is only acceptable as a replacement dwelling. The establishment of a second dwelling on site would be contrary to adopted Local Plan policy.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN05 - Works within the highway

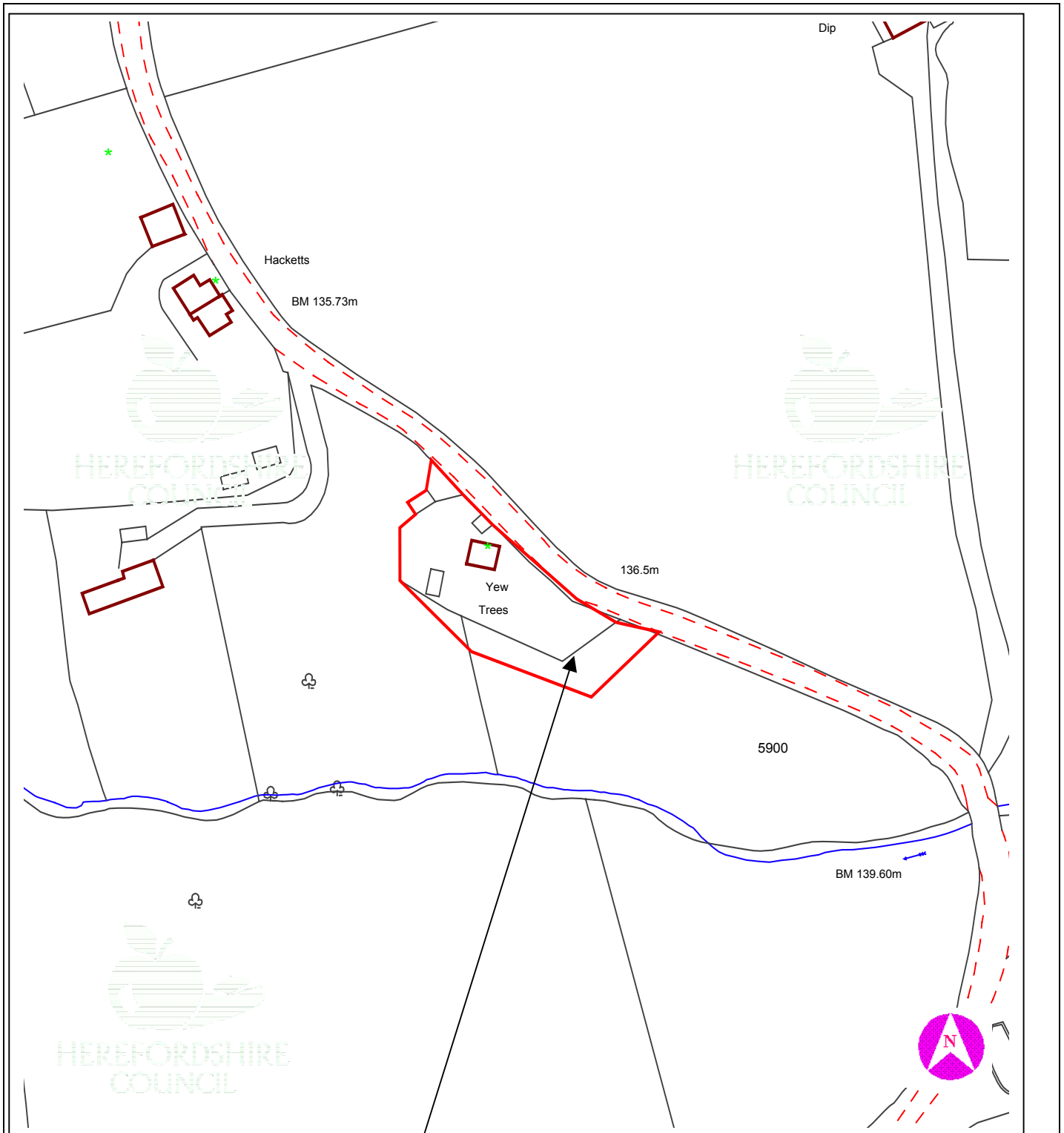
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/2060/F

SCALE : 1 : 1250

SITE ADDRESS : Yew Trees, Mathon Road, Colwall, Malvern, Herefordshire, WR13 6EW

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Further information on the subject of this report is available from «CONTACT» on «CONTACT_TELNO»

13 DCNE2005/2359/F - ERECTION OF SINGLE DWELLING HOUSE AT LAND ADJACENT TO 41 BYE STREET, LEDBURY, HEREFORDSHIRE.

For: Mr & Mrs D Jones per Mr J Bladen, CSJ Planning Consultants Ltd, 32 Frogmore Steet, Bristol, S1 5NA

Date Received:
15th July 2005

Ward:
Ledbury

Grid Ref:
70955, 37703

Expiry Date:
9th September 2005

Local Members: Councillor P Harling, Councillor D Rule and Councillor B Ashton

1. Site Description and Proposal

- 1.1 The site lies centrally within Ledbury and its Conservation Area boundary. It is a small site lying between two existing buildings, Foley House to the east and 41 Bye Street to the west. The plot has a frontage of 7.7 metres and is 73 metres square in total size.
- 1.2 The proposal seeks to erect a two storey dwelling on site. It represents a graduated step in height between 41 Bye Street, a cottage of approximately 5.5 metres in height, and Foley House at approximately 11.6 metres. The dwelling measures 7.3 metres in height and is shown to be faced in brick with a 'slate appearance' roof. It has a footprint of 40 metres square and provides 2 bed accommodation. The application does not include off street parking but does indicate the provision of a structure for bicycle parking. No details have been provided of this.

2. Policies

Hereford and Worcester County Structure Plan

Housing Policy 16A – Housing in Rural Areas
CTC15 – Conservation Areas

Malvern Hills District Local Plan

Housing Policy 2 - Development in Main Towns
Housing Policy 3 - Settlement Boundaries
Housing Policy 17 - Residential Standards (Criteria C & D)
Conservation Policy 1 - Preserving or Enhancing Conservation Areas
Conservation Policy 2 - New Development in Conservation Areas

Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design
S1 – Sustainable Development
S2 – Development Requirements
H1 – Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

H13 – Sustainable Housing Design
H15 – Density
H16 – Car Parking
HBA6 – New Development within Conservation Areas

3. Planning History

NE2005/4166/F - Proposed new house - Refused 19th January 2005 for the following reasons:

1. It is considered that the proposal would result in a cramped form of development contrary to Housing Policies 3 and 17 of the Malvern Hills District Local Plan.
2. Furthermore the cramped nature of the development will be detrimental to the character and appearance of the Ledbury Conservation Areas, contrary to Conservation Policy 2 of the Malvern Hills District Local Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - No objection subject to the inclusion of a condition to provide secure bicycle parking.
- 4.3 Conservation Manager - No objection subject to conditions relating to materials and joinery details. In particular he finds the descriptive 'slate appearance' roof on the submitted plans to be unacceptable. If approved the permission should require a natural slate roof.

5. Representations

- 5.1 Ledbury Town Council - Recommend refusal. The size of the site is insufficient for the scale of the proposed dwelling and is therefore contrary to Housing Policy 3 and 17 of the Malvern Hills District Local Plan.
- 5.2 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key considerations of this application are whether the design of the proposal is acceptable and makes a positive contribution to the character and setting of the conservation area, and whether or not it results in a cramped form of development.

- 6.2 The design of this proposal is superior to the previously refused scheme. It pays regard to the scale and massing of adjacent buildings and in particular provides some relief in heights between a modest cottage and the dominant Foley House. It respects the building line and takes its lead from Foley House in terms of its appearance with a central gabled two-storey projection and similar materials. It will fill a gap in the frontage and this is considered to be positive enhancement to the conservation area. Subject to the recommendations of the Conservation Manager the scheme is acceptable in this respect.
- 6.3 The previous scheme was refused as it would have created a cramped form of development. The current scheme sits further forward in the plot and has a more comfortable relationship with the adjacent buildings. In particular, policies in the emerging Unitary Development Plan encourage higher density development and accept greater flexibility in car parking requirements, especially in town centre locations. However, the proposal creates a town centre house with virtually no private garden and itself occupies the space that would otherwise be the garden to 41 Bye Street. The determining factor in this case is that, historically, there was a house on this site and, therefore, the conservation benefit outweighs the cramped nature of the development with its lack of private garden.

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 - 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.

4 - C05 (Details of external joinery finishes)

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

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - G01 (Details of boundary treatments)

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

7 - H29 (Secure cycle parking provision)

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

Informative:

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

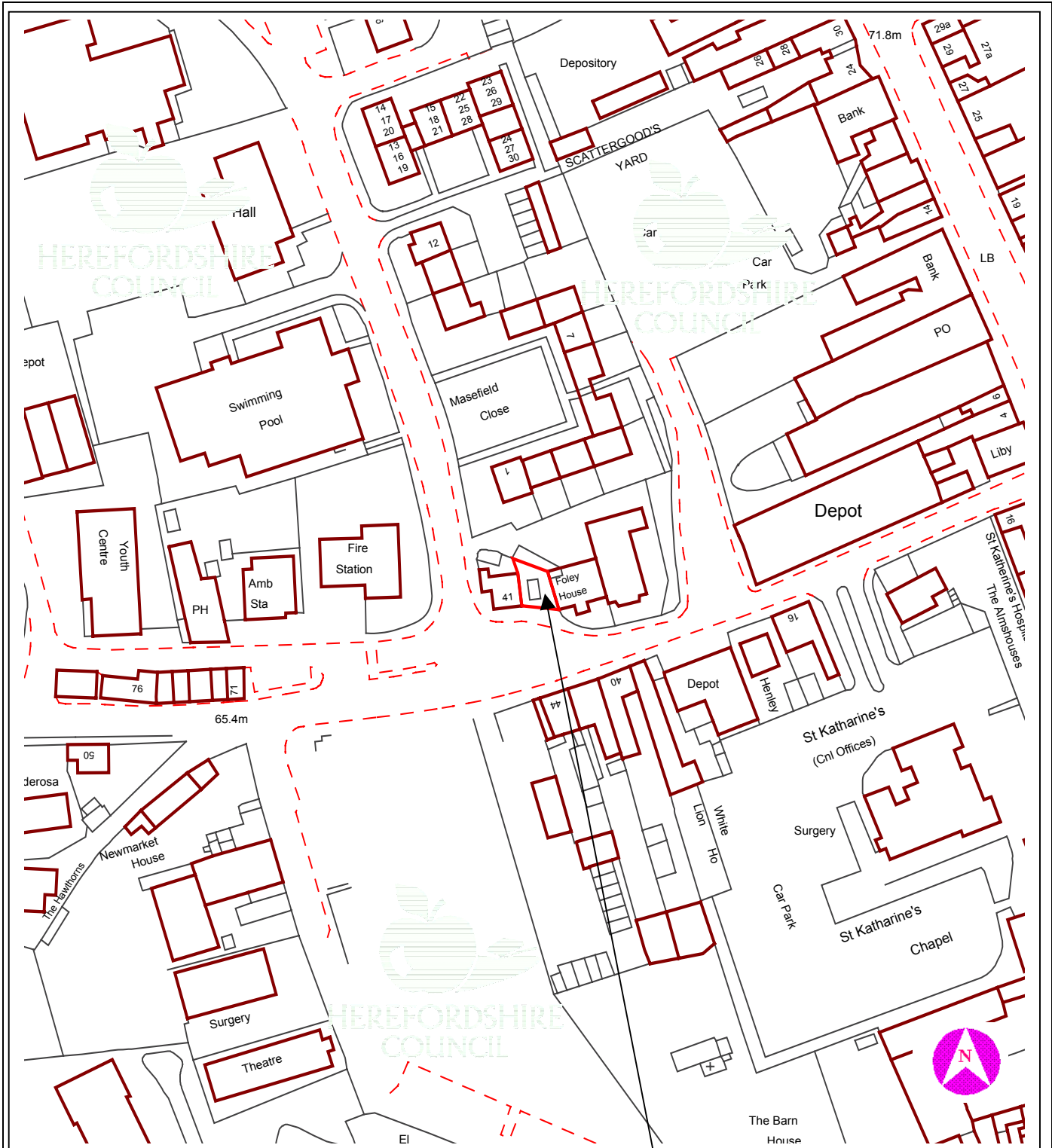
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/2359/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to 41 Bye Street, Ledbury, Herefordshire.

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14 DCNW2005/1813/O - SITE FOR THE ERECTION OF A DETACHED DWELLING. OLD SCHOOL HOUSE, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9ND

**For: Mr King, Nick Carroll Architect, Orchard Studios,
Union Place, Worcester, WR3 7DX**

Date Received:
2nd June 2005

Ward:
Pembridge &
Lyonshall with Titley

Grid Ref:
39961, 61927

Expiry Date:
28th July 2005

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a 0.137 hectare plot of land that forms part of the garden of the dwelling known as Old School House. The site lies to the north of the dwelling on the north side of the B4362 that runs through Shobdon village. The site is clearly overgrown and in a elevated position above the highway and dwelling. The site lies within the defined Shobdon settlement boundary.
- 1.2 The application requests outline consent for the erection of a single residential dwelling and reserves all matters for future consideration. An indicative site plan has been submitted with the application that shows the position of a dwelling in the central position towards the rear of the site. Access would be via an existing driveway which serves No's 1 and 2 Sunny View and also Old School House. The access is single width and is also a Public Right of Way. Land beyond the application site to the rear is agricultural land that lies outside of the Settlement Boundary.

2. Policies

Government Guidance: PPS7

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
A54 – Protection of Residential Amenity
A56 – Alterations, Extensions and Improvements to Dwellings

A70 – Accommodating Traffic from 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
H4 – Main Villages: Settlement Boundaries
H13 – Sustainable Residential Design
H16 – Car Parking

3. Planning History

- 3.1 DCNW2005/1983/F - Sub-division and extension of existing building into three individual residences – Withdrawn (Old School House)
- 3.2 91/0223 - Improvement of access by creation of a splay at Old School House and 1 Sunnyview, Shobdon - Approved 10-Sep-1991
- 3.3 92/0032 - Proposed car port - Approved 20-May-1992

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water 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 has no objections to the granting of permission. Subject to conditions but notes that visibility is below standard, but one dwelling would not be an over intensification of the access. Ensure that sufficient parking remains for flats on Old School House.
- 4.3 The Public Right of Way Manager states that the proposed development would not appear to affect public footpath S01. The Right of Way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion. The applicants should ensure that they hold lawful authority to drive over the public footpath. The applicants should note that the Right of Way has footpath status and will only be maintained by the Highway Authority as such.
- 4.4 The Conservation Manager (landscape) makes the following comments:
 - The Old School House is located in the centre of Shobdon, on an elevated site to the north of the B4352. The site falls within an Area of Great Landscape Value. The proposed site for the dwelling is a garden area to the rear of the Old School House. This backs onto open countryside. There is a narrow lane that runs along the south-west site boundary and this is a Public Right of Way.
 - I have no objection to this development. It would not have an adverse impact on the countryside to the north of the site, because the site is well screened by the

hedgerow trees on the back boundary. It is important that these trees are retained. I have no objection to the removal of the four trees indicated in the central part of the site.

- If permission is granted for this development, Conditions G02: Landscaping scheme, G03: Landscaping scheme - implementation, Condition G09: Retention of trees/hedgerows and G18: Protection of trees, should be attached.

4.5 The Conservation Manager (Archaeology) makes the following comments:

- Having considered the currently available details of this new proposal, and the currently available archaeological information relating to the site, including the county Sites and Monuments Record (SMR), my current views can be summarised as follows. Although having no objection to the development, I am concerned by the disturbance - in a sensitive location - that is likely to occur. The application site is within the scope of the recorded medieval settlement of Shobdon (SMR ref HSM 25817).
- Accordingly I consider that the development as proposed is likely to cause some damage to archaeological deposits and features, and needs to be mitigated by an appropriate archaeological condition, allowing the site to be recorded during development (PPG 16 Section 29). With regard to the proposal above, therefore, I would advise that Herefordshire Council attach the following normally recommended archaeological condition to any forthcoming planning permission.
- "The applicant or his agents 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.

5. Representations

5.1 Shobdon Parish Council resolved to make the following comments:

The visibility of the access from the site onto the B4362 is already deemed to be a serious hazard, substantial improvement to the access need to be made before any outline planning is granted.

The Parish Councils need to know what improvements are planned before a final decision can be reached.

5.2 Two letters of objection/concern have been received from Mrs C A Jones of Rose Cottage, Nicholas Common, Winforton and Martin Foster of 24 Hanbury Garden, Shobdon. These letters raise the following points:

- Application incorrect as applicant does not own lane (no known owner) and a Public Right of Way is affected.
- The Public Right of Way should be retained in its current state for continued enjoyment.
- Concern over any alterations to the frontage.
- Would the removal of the wall and increase in traffic make it a more dangerous place to walk.

- Concern over treacherous stretch of road and lack of visibility.
- Although 30mph road, vehicles travel in excess of this.
- Volume of traffic using this road, including lorries is increasing.
- Application suggests removal of trees but gives no details.
- Erection of a two storey dwelling will over shadow Old School House and alter the skyline.

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 A2 (c) of the Leominster District Local Plan and Policy H4 of the Unitary Development Plan (revised deposit draft) make allowance for small scale development within the defined Settlement Boundaries as long as development is in accordance with Policy A1 of the Leominster District Local Plan. The site clearly lies within the Settlement Boundary and as such the principle of residential development of the site for one dwelling is considered acceptable.
- 6.2 Although this application reserves all matters for future consideration, placing focus on the principle of development. I would raise the issues of access, landscape impact and neighbour amenities at this point.
- 6.3 Access to the site has been shown to be along the existing driveway. It is acknowledged that traffic through the village is an ongoing problem. However, the Transportation Manager has advised that there would be no objection to one additional dwelling. This matter has been carefully considered and it is felt that a reason for refusal on this basis could not be sustained for one dwelling only.
- 6.4 The application site is overgrown but does retain a mature boundary hedge, clearly demarcating the Settlement Boundary. The site is not visible from the highway and although elevated in position would not have an overbearing impact on the street scene. The reserved matters application will provide further explicit detail on the landscaping to be retained and there is ample opportunity to retain some of the mature trees and hedgerows that form part of the site.
- 6.5 The two dwellings which could be affected by development are the flat in Old School House and the dwelling known as Sunny View. Given the size of the plot, there are sufficient distances and mature landscaping between these dwellings to dispel any cause for concern. The reserved matters application will control the siting, design and external appearance of the proposed dwelling and any explicit concerns could be expressed at this stage.
- 6.6 To conclude, the application site falls within the Settlement Boundary of the village of Shobdon and the principle of residential development is acceptable. The Transportation Manager has raised no objection to development of one dwelling. The site is well screened and is capable of being developed for one dwelling without being cramped or impeding on the amenities of the neighbouring properties. As such the proposed dwelling accords with the policies of the Leominster District Local Plan and members are respectfully requested to approve this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - A04 (Approval of reserved matters)

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

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

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

- 5 - B01 (Samples of external materials)

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

- 6 - G04 (Landscaping scheme (general))

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

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

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

- 8 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

- 9 - G18 (Protection of trees)

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

- 10 - The applicant or his agents 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.

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

Informative:

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

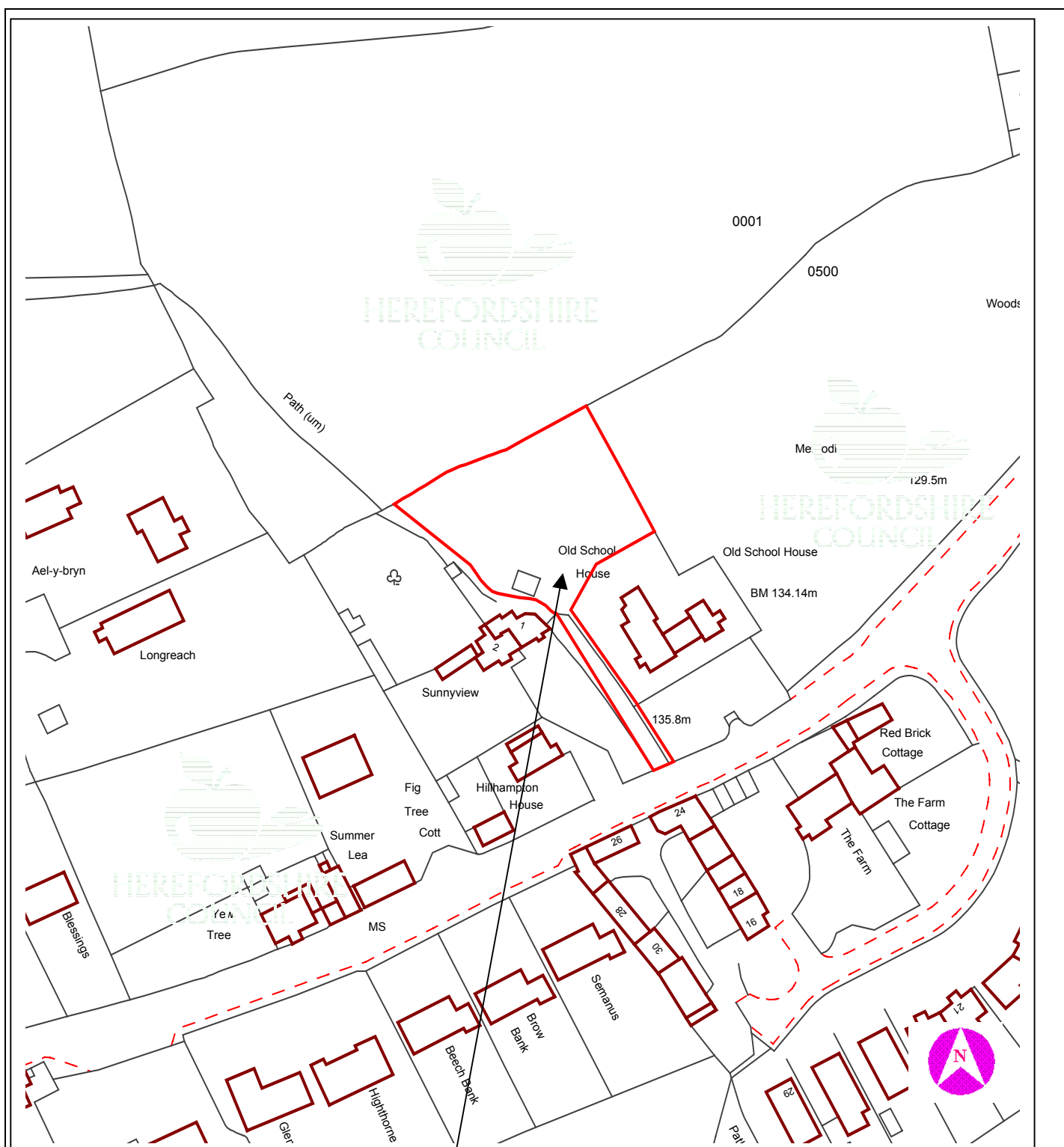
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/1813/O

SCALE : 1 : 1250

SITE ADDRESS : Old School House, Shobdon, Leominster, Herefordshire, HR6 9ND

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15 DCNW2005/1930/F - PROPOSED CONVERSION OF AGRICULTURAL BUILDING INTO M.O.T. TEST CENTRE AT HIGHWAY FARM, DILWYN, HEREFORD, HEREFORDSHIRE, HR4 8EX

For: Mr R.D. Speakman per Mr L B Ray, Waterloo, Ledgemoor, Weobley, Herefordshire, HR4 8RJ

Date Received:
13th June 2005

Ward:
Golden Cross with
Weobley

Grid Ref:
44300, 54586

Expiry Date:
8th August 2005

Local Member: Councillor J Goodwin

1. Site Description and Proposal

- 1.1 The application site comprises an area of land (approximately .94 hectare) which includes 5 agricultural buildings which have most recently been used for storage and are no longer part of an agricultural enterprise. A pair of semi-detached cottages lie immediately to the south, one of which is in the same ownership as the application site. The site faces the A4110, on the stretch that is commonly known as Roman Road. The building that is the subject of this application lies to the rear (west) of the group of building and forms part of the boundary with the field behind.
- 1.2 Planning permission is sought for the change of use of this one building for use as an MOT testing centre for private commercial and agricultural vehicles. In order to operate the height of the building would be increased by 0.6m from 6m to 6.6m (to ridge). An area would be laid out adjacent to the building for MOT testing parking bays and a small lean to extension added to the building at the rear to accommodate a store and reception. The building would be re-clad with profiled steel sheeting.
- 1.3 Access to the site would be via the existing access from the A4110 with improvements to the visibility in each direction through the replanting of hedgerows.

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 A16 – Foul Drainage

Policy A36 – New Employment Generating Uses for Rural Buildings
Policy A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy Policy S4 - Employment
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

None

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Traffic Manager recommends that any permission which this authority may wish to give include the following conditions: H01, H04, H05 and H15. He also raises some concern over visibility to the south and notes that the hedge will need to be removed to meet required standards.

4.3 The Environmental Health Manager responded as follows:

I have some concerns regarding possible noise nuisance from this application due to the proximity of a residential property to the development. However, following my visit to the application site and discussion with the applicant, Mr Speakman, I feel the following conditions would significantly reduce the test centre's impact on the amenity of the area and reduce the likelihood of future noise complaints;

Related Properties

The proposed test centre must stay within the same ownership as the property known as 'Highway Farm'.

E06 - Restriction on Use

The premises shall be used as an M.O.T. test centre for private, commercial and agricultural vehicles and for no other purposes (including any other purpose in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

F15 - Scheme of Noise Insulation

Before the use commences, the test centre shall be insulated in accordance with a scheme agreed with the Local Planning Authority.

E01 - Restriction on Hours of Working

The hours during which working may take place shall be restricted to 7.30 am to 6.40 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

F04 - No Open Air Operation of Plant/Machinery/Equipment

There shall be no open air operation of plant, machinery or equipment within the application site.

5. Representations

5.1 Dilwyn Parish Council make the following comments: The Parish Council attended a site meeting with the landowner and have no objections to the applications. They considered the proposal to be well thought out and appreciated the proposed wider entrance onto the main road. They all considered that it would provide a useful service to local parishes and opportunity for employment.

5.2 Two letters have been received from Mr C Rodway and Miss D Arkell of Highway Cottage, Little Dilwyn and Mrs M Weaver of Bramley Cottage, Little Dilwyn. Their letters raise the following points:

- Highway Farm is situated within a small rural community, surrounded by farm land and we believe that the proposal to change the use of this site from agricultural to industrial, would not be compatible with its open countryside location and that such a business would be better situated within an existing industrial area. Transport links in this area are very limited and the main centres of Leominster, Hereford and Kington are 5, 8 and 10 miles away, respectively. The siting of an MOT test centre at this site, can only, therefore, increase the number of journeys made from town to countryside.
- The agricultural building for conversion is currently clearly visible from the Dilwyn and Little Dilwyn roads as well as from the A4110. Plans to increase its height and re-clad it, will increase its visibility within the existing landscape and make it stand out as an industrial unit, spoiling the aesthetic quality of the area.
- The access to the site is off the A4110 which is a fast, and at times, busy road where the speed limit of 60 miles per hour is often exceeded. Our concern is that the visibility for vehicles exiting the premises will be restricted and the increase in the number of vehicles accessing the site, particularly larger commercial vehicles, will cause a highway safety problem.
- Our property boundary is approximately 25m from the proposed test centre and we have concerns about the increased noise levels likely to arise from the intensification of activity there 6 days a week.
- The proposed building for conversion is one of several buildings on the site and our concerns are that approval of this application would set a precedent for the conversion of the remaining buildings, thus increasing the scale of the development within this rural farming community.

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 is the determination of this application area as follows:-
- a) The principle of the use of the site for an MOT testing centre in this location;
 - b) The impact of the use on the amenities if the occupiers of the adjoining properties
 - c) Impact on the landscape
 - d) Highway safety
- 6.2 The site lies outside of any defined settlement boundary but along the busy A4110. Policy A2(d), A36 of the Leominster District Local Plan make provision for the re-use of rural buildings for employment generating uses. Policy E11 of the Unitary Development Plan (revised deposit draft) also supports commercial uses, subject to the use not having an adverse impact upon the local environment, the road network or amenity.
- 6.3 The application site lies to the west side of the A4110, and the group of buildings are clearly visible from the highway and are in relatively close proximity to the three dwellings. The yard area would be within the complex of buildings and mainly hidden from the adjacent dwellings and highways by the existing buildings. The proposed use varied little in appearance from that of a working agricultural yard and as such it preserves the character and appearance of the surrounding area.
- 6.4 Residents of the nearby properties have raised a number of issues relating to the impact on their residential amenities. In particular, these relate to noise, disturbance and visual impact. The Environmental Health Manager re-visited the site and raised no objection subject to conditions as detailed above. However, it should be noted that should the site continue to be or revert to being a working farm, movement of machinery and other associated movements and activities would be unrestricted.
- 6.5 In relation to visual impact of the altered building, the raised roof and small extension are minimal additions and the overall height of the building would be lower than the adjacent Dutch barn. Whilst the building will be visible to the neighbouring properties, the cladding would allow for sound insulation and is typical of many new agricultural buildings. The building itself would not directly impact on the amenities of the dwellings.
- 6.6 The site lies within an area designated as open countryside and as such the protection of the rural landscape is of particular importance. The proposed plans show some new planting to the north of the building is proposed to soften and compliment the development. The mature trees and hedgerow to the west of the site provide an effective screen and backdrop to the site. The site itself, is not visually prominent or obtrusive, and is typical of a farmyard arrangement. The planting of trees and/or hedging to the centre of the site, as suggested above, would help to soften the appearance of the building and uses and enhance the landscape. It is considered that the continued use of the site for the purpose of the MOT testing centre would conform to Policy A9 – Safeguarding the Rural Landscape.
- 6.7 Access to the site is via the existing access from the A4110. At present visibility is restricted by the hedgerows in both directions. The highway is particularly straight in this location and although the speed limit is 60mph it is acknowledge that vehicles often exceed this in this particular location. Residents concerns relating to an increase

in use and highway safety are noted but the fact that the land in either direction is in the applicants control gives the opportunity for improvements to visibility to be made. This will involve the removal of the hedgerow. A condition is suggested to ensure that this work is completed prior to any other works being undertaken. A replacement hedge should also be planted behind the visibility splay. It should also be noted this is an existing access which serves this former 'farmyard' and this is a material consideration. The Traffic Manager raises no objection to this development subject to conditions ensuring that visibility is improved and it is considered that a reason for refusal on highway safety ground could not be sustained.

- 6.8 To conclude, the proposal is considered to comply with policies which seek to re-use existing buildings in the open countryside for commercial purposes without detriment to the character and appearance of the surrounding area or landscape quality. Matters of impact on residential amenity are considered satisfactory and can be controlled by condition. As such the proposal is recommended for approval with the appropriate conditions.

RECOMMENDATION

That planning permission be granted with the following conditions:

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

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

- 2 - E06 (Restriction on Use)**

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

- 3 - F15 (Scheme of noise insulation)**

Reason: To safeguard the amenity of the area.

- 4 - E01 (Restriction on hours of working)**

Reason: To safeguard the amenities of the locality.

- 5 - F04 (No open air operation of plant/machinery/equipment)**

Reason: To protect the amenities of nearby properties.

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

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

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

Reason: To safeguard local amenities.

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)

Reason: In the interests of highway safety.

11 - H04 (Visibility over frontage)

Reason: In the interests of highway safety.

12 - H05 (Access gates)

Reason: In the interests of highway safety.

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

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

Informatives:

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

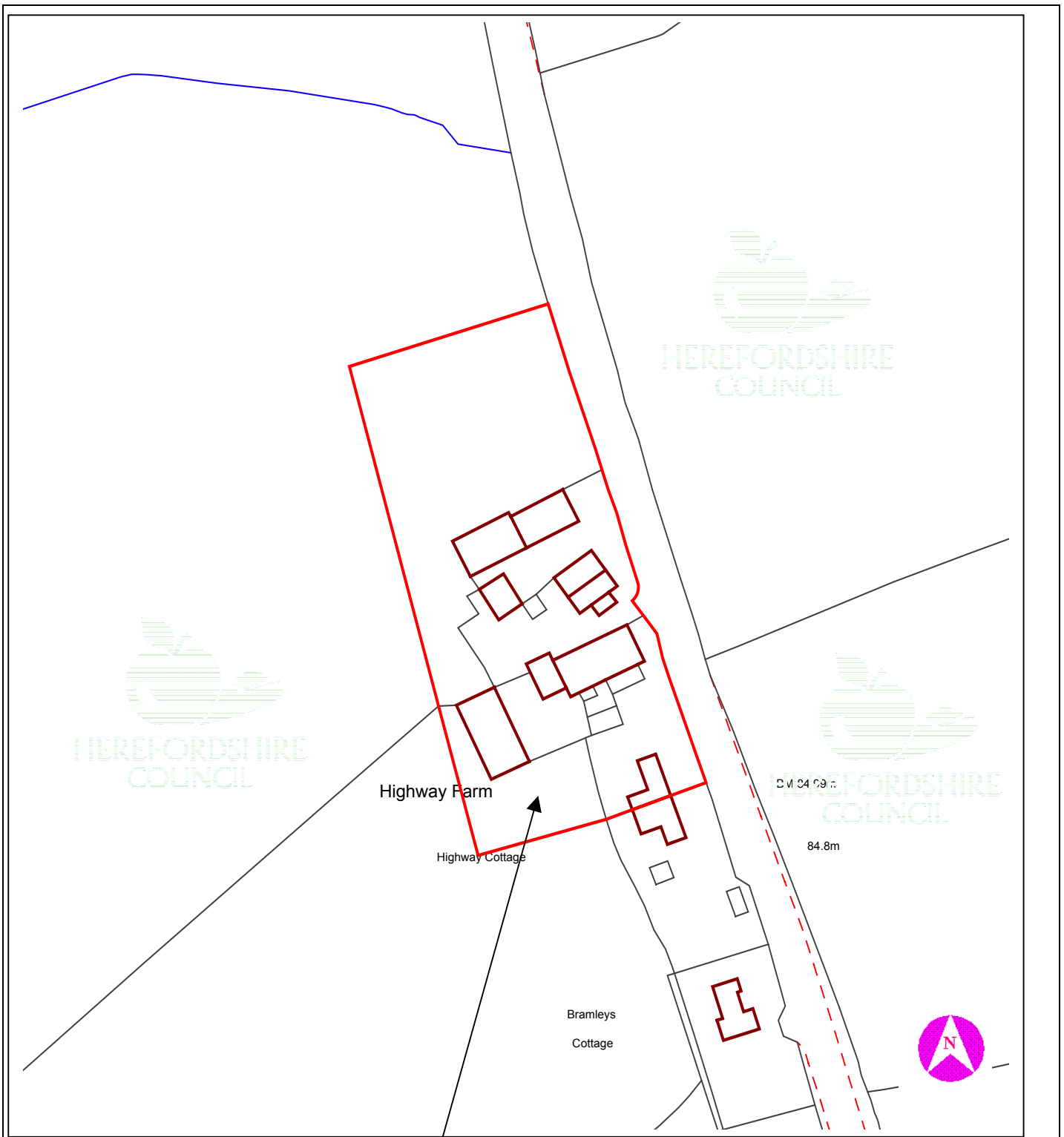
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/1930/F

SCALE : 1 : 1250

SITE ADDRESS : Highway Farm, Dilwyn, Hereford, Herefordshire, HR4 8EX

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