

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 5th October, 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](mailto: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
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b> To approve and sign the Minutes of the meeting held on 7th September, 2005.	1 - 12
<b>4. ITEM FOR INFORMATION - APPEALS</b> To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	13 - 14
<b>5. CHAIRMANS ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
<b>6. APPLICATIONS RECEIVED</b> To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.	

Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

- |   |                |
|---|----------------|
| <p>7. DCNE2005/2041/F - ERECTION OF A HOUSE WITHIN WALLED GARDEN - AMENDMENT TO PLANNING PERMISSION MH97/1452 AT THE KITCHEN GARDEN, HOPE END, LEDBURY, HEREFORD, HR8 1JQ FOR: HON J DONOVAN PER ALP ARCHITECTS, 15 GOSDITCH STREET, CIRENCESTER, GLOS, GL7 2AG</p> <p>Ward: Hope End</p> | <p>15 - 24</p> |
| <p>8. DCNE2005/2297/F - CHANGE OF USE TO A ONE FAMILY GYPSY CARAVAN SITE AT LAND AT BUSH PITCH, HR8 2PX FOR: B SMITH &amp; A WALKER C/O 25 STEEPLE VIEW, BANK CRESCENT, LEDBURY, HEREFORDSHIRE HR8 1AD</p> <p>Ward: Ledbury</p>   | <p>25 - 32</p> |
| <p>9. DCNE2005/2601/F - PROPOSED DWELLING AT LAND AT HOMEND CRESCENT, LEDBURY, HEREFORDSHIRE FOR: MR J HAINES PER MR P D JONES 92 ROBINSONS MEADOW LEDBURY HEREFORDSHIRE HR8 1SX</p> <p>Ward: Ledbury</p>   | <p>33 - 38</p> |
| <p>10. DCNE2005/2774/F - ERECTION OF CROSS COUNTRY JUMPS TO INCLUDE ADDITIONAL USE OF LAND AT TACK FARM, ULLINGSWICK, HEREFORD, HEREFORDSHIRE, HR1 3JQ FOR: MRS K KAWCZYNSKI JUDITH NORRIS LTD WELL HOUSE FARM OFFICE POOTERS LANE HAWKHURST CRANBROOK TN18 5BB</p> <p>Ward: Frome</p>    | <p>39 - 46</p> |
| <p>11. DCNW2005/1819/F - USE OF LAND AND ERECTION OF WORKSHOP AND OFFICE FOR COACH HIRE BUSINESS AT PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE FOR: MR TAYLOR PER THE LAND USE CONSULTANCY, 141 BARGATES, LEOMINSTER, HEREFORDSHIRE, HR6 8QS</p> <p>Ward: Mortimer</p>                      | <p>47 - 58</p> |
| <p>12. DCNW2005/2608/F - RETROSPECTIVE PLANNING APPLICATION FOR CHANGE OF USE TO C2 RESIDENTIAL INSTITUTION, AT MILL COTTAGE, PAYTOE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0NB FOR: MR &amp; MRS D PARRY LTD, MCCARTNEYS, 7 BROAD STREET, LEOMINSTER, HEREFORDSHIRE,</p>         | <p>59 - 64</p> |

**HR6 8BT**

**Ward: Mortimer**

13. **DCNC2005/0917/O - SITE FOR ERECTION OF A MAXIMUM OF 425 DWELLINGS, COMMUNITY BUILDING, VEHICULAR ACCESS, FOUL WATER PUMPING STATION AND ASSOCIATED WORKS AT BARONS CROSS CAMP, CHOLSTREY ROAD, LEOMINSTER FOR: TAYLOR WOODROW DEVELOPMENTS LTD PER RPS PLANNING & ENVIRONMENT 155 AZTEC WEST ALMONDSBURY BRISTOL BS32 4UB** 65 - 86

**Ward: Leominster North**

14. **DCNC2005/2362/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DWELLING GLENDALE, LITTLE TEDNEY, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5RX FOR: MR & MRS POULTNEY PER MR COOMBES IVAN COOMBES ASSOCIATES VINE LODGE SALOP STREET BRIDGNORTH SHROPSHIRE WV16 5BH** 87 - 90

**Ward: Bringsty**

15. **DCNC2005/2480/F - CHANGE OF USE FOR FRONT SECTION OF GROUND FLOOR FOR USE AS A LICENSED RESTAURANT AT 18 BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE FOR: LEOMINSTER PROPERTIES LTD PER JAMES MORRIS ASSOCIATES STOCKS TREE COTTAGE KINGS PYON HEREFORDSHIRE HR4 8PT** 91 - 96

**Ward: Leominster South**

16. **DCNC2005/2498/F - REMOVAL OF OCCUPANCY CONDITION (NO 7) REF: 13164 INSPECTOR'S DECISION 09 03 1994 ON LAND ADJACENT TO FORMER HOP POLE INN, RISBURY, LEOMINSTER FOR: MR P KELSALL OF GALLOP VIEW, RISBURY, LEOMINSTER, HR6 0NQ** 97 - 102

**Ward: Risbury**

17. **DCNC2005/2660/F - PROPOSED GARAGE/STORE AT THE HAVEN, FORD BRIDGE, LEOMINSTER. HEREFORDSHIRE. HR6 0PB FOR: MR & MRS T N JONES PER MR D DICKSON 101 ETNAM STREET LEOMINSTER HEREFORDSHIRE HR6 8AF** 103 - 106

**Ward: Leominster South**

18. **DATE OF NEXT MEETING**

To note that the next scheduled meeting is due to take place on Wednesday 2nd November, 2005



# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

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

## **Please Note:**

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

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

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



**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

**FIRE AND EMERGENCY EVACUATION PROCEDURE**

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

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

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

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

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



COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 7th September, 2005 at 2.00 p.m.**

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

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

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

**73. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors BF Ashton, Mrs JP French and JP Thomas

**74. DECLARATIONS OF INTEREST**

<b>Councillor/Officer</b>	<b>Item</b>	<b>Interest</b>
Cllr RBA Burke	Item 10 - DCNC2005/2349/F - residential development of 44 dwellings including affordable housing on land at St.Botolphs Green, Southern Avenue, Leominster, Herefordshire	Prejudicial and left the meeting for the duration of this item
Cllr Brig P Jones CBE, Cllr J Stone and Mr M Tansley	As above	Personal and remained in the meeting for the duration of this item

**75. MINUTES**

**RESOLVED THAT** the minutes of the meeting held on 10 August 2005 be approved as a correct record, subject to the inclusion of the name of Councillor R Mills in the list of those present.

**76. ITEM FOR INFORMATION - APPEALS**

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

**77. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman's welcomed Mr P Yates the new Development Control Manager to his first meeting of the Sub Committee

**78. APPLICATIONS RECEIVED**

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

**79. 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**

Councillor Mrs LO Barnett the local Ward Member thanked the officers for preparing such a detailed report. She had some reservations about the proposed density but felt that the scheme offered a good mix of residential development.

**RESOLVED THAT:**

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (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.**

**80. 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**

In accordance with the criteria for public speaking Mr Lyke representing Mr and Mrs Murfiin, the owners of the adjoining property, spoke in objection to the application.

Councillor J Stone, the Local Ward Member had some concerns about the impact that the application would have upon the privacy of the adjoining property and asked what steps could be taken to attenuate noise and nuisance. The Senior Planning Officer said that because the application was for domestic workshops, there was not a legal requirement for noise insulation. He said however that a condition could be added to the Planning Permission requiring the applicants to minimise noise nuisance to the adjoining property. The Sub-Committee agreed that this be done. Councillor Stone also requested conditions requiring the erection of a boundary fence or screen along the boundary shared with the application site and the Planning Officer said that this could not be the subject of conditions but he would request that the applicants to consider erecting a boundary fence where there was currently none in existence.

**RESOLVED THAT**

**Planning permission be granted subject to appropriate conditions minimising noise nuisance to the adjoining property and to the following conditions:**

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

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

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

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

**3 - E08 (Domestic use only of garage )**

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

**4 - Before the use commences, the workshop/storage building shall be insulated in accordance with a scheme agreed with the local planning authority.**

**Reason: To safeguard the amenity of the area.**

**Informative:**

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

**Planning Guidance:**

**Policy A.24: Scale and character of development**

**Policy A.54: Protection of residential amenity**

81. **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**

**RESOLVED 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**

82. **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**

In accordance with criteria for public speaking Mr Gray, the Chairman of St Botolphs Green Residents Association spoke against the application.

The Development Control Manager said that in considering the application the Sub-Committee could take note the long-term requirements for employment land in connection with the Regional Spatial Strategy for the period up to 2021.

**RESOLVED 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).**

83. **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**

The Northern Team Leader reported the receipt of an objection to the application from Bromyard and Winslow Town Council.

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

The Sub-Committee took note of the objections received from the Town Council and a number of members had concerns about an additional dwelling in the area and the likely traffic congestion problems that could arise. It was noted that the Transportation Manager had no objections and that there were no grounds to refuse the application.



**RESOLVED 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

84. 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

**RESOLVED THAT**

planning permission be granted subject to the following conditions:

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

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

- 2 - B01 (Samples of external materials )

Reason: To ensure that the materials 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 the 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

**85. DCNE2005/2359/F - ERECTION OF SINGLE DWELLING HOUSE AT LAND ADJACENT TO 41 BYE STREET, LEDBURY, HEREFORDSHIRE FOR: MR & MRS D JONES PER FRAN CHICK CSJ PLANNING 1 HOST ST BRISTOL**

The receipt of a letter of the agent acting on behalf of the applicant was reported.

**RESOLVED THAT**

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

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

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

- 2 - 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

86. 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

The Principal Planning Officer Reported that the owner had acquired all the land over which the Vehicular access to the site would be provided and that appropriate conditions would be added to the Permission in respect of the required visibility splays.

**RESOLVED THAT**

The Officers named in the Scheme of Delegation to Officers be authorised to grant Planning Permission in consultation with the Local Ward Member and the Chairman of the Sub-Committee, subject to appropriate conditions in respect of visibility splays and 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

87. 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

In accordance with the criteria for public speaking, Mr Rodway spoke against the application on behalf of himself and the owners of an adjoining property.

The Sub-Committee noted the concerns of the objectors about highway safety issues and noise arising from vehicles using the MOT testing centre. It was agreed that the Transportation Manager be requested to re-examine whether there should be additional safety requirements on the entrance to the road running to the site from the adjoining highway.

**RESOLVED THAT:** planning permission be granted with the following conditions and that the Transportation Manager be asked to re-examine highway safety aspects relating to the access:

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

The meeting ended at 2.50 p.m.

CHAIRMAN

**4 ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCNC2004/3910/O**

- The appeal was received on 15th September 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 JP Farms Ltd
- The site is located at Sodgley Farm Buildings, Sodgley, Leominster
- The development proposed is Site for a farm workers dwelling
- The appeal is to be heard by Hearing

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

**Application No. DCNC2004/3914/O**

- The appeal was received on 14th September 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 JP Farms Ltd
- The site is located at Shirlheath Buildings Shirlheath, Kingsland, Leominster, Herefordshire, HR6 9RJ
- The development proposed is Site for a farm workers dwelling
- The appeal is to be heard by Hearing

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

**APPEALS DETERMINED****Application No. DCNC2005/0572/F**

- The appeal was received on 16th June 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 W A Tong Esq
- The site is located at Property adjoining Orchard Cottage, Brimfield, Ludlow, Herefordshire, SY8 4NE
- The application, dated 18<sup>th</sup> February 2005, was refused on 15<sup>th</sup> April 2005
- The development proposed was Proposed change of use from garage into dwelling with conservatory
- The main issue is whether the proposal complies with the Local Plan policy for development in the countryside

**Decision:** The appeal was DISMISSED on 13<sup>th</sup> September 2005

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

**Application No. DCNE2005/0174/F**


---

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

**NORTHERN AREA PLANNING SUB-COMMITTEE**

**5th OCTOBER 2005**

- The appeal was received on 26th 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 Mrs DM Smith
- The site is located at Oakley House, Greenhill, Cradley, Malvern. WR13 5DY
- The application, dated 17 January 2005 , was refused on 28<sup>th</sup> February 2005
- The development proposed was Two storey extension to side of dwelling
- The main issue was the assessment of the character and appearance of the extension having regard to Housing Policy16 of the adopted Local Plan.

**Decision:** The appeal was **DISMISSED** on 8<sup>th</sup> August 2005

**Case Officer: Ed Thomas on 01432 2601795**

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

---

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



**7 DCNE2005/2041/F - ERECTION OF A HOUSE WITHIN WALLED GARDEN - AMENDMENT TO PLANNING PERMISSION MH97/1452 AT THE KITCHEN GARDEN, HOPE END, LEDBURY, HEREFORD, HR8 1JQ**

**For: Hon J Donovan per ALP Architects, 15 Gosditch Street, Cirencester, Glos, GL7 2AG**

**Date Received:**

**21st June 2005**

**Ward:**

**Hope End**

**Grid Ref:**

**72085, 41233**

**Expiry Date:**

**16th August 2005**

Local Member: Councillor R Stockton & Councillor R Mills

**1. Site Description and Proposal**

- 1.1 The application seeks planning permission for the erection of a dwelling within the walled garden at Hope End, Ledbury. The scheme presents an alternative to an application approved in 1998 (MH97/1452), which involved a large two-storey extension to the existing single-storey gardener's cottage situated outside the garden, a short distance from the northeast corner.
- 1.2 The walled garden itself forms an integral part of the Hope End estate and parkland, which lies 4km to the north of Ledbury in the lee of the Malvern Hills 3km to the east. The importance of the parks and gardens is recognised through its inclusion upon the English Heritage Register of Parks and Gardens of special historic interest in England. The wider landscape also falls within The Malvern Hills Area of Outstanding Natural Beauty.
- 1.3 The parkland is defined to the west and north by topographical constraints, with the ground falling away steeply into Raycombe and Berrington woods. The northern limit of the park is Oyster Hill, from which distant views north and west are obtained as well as views back towards the south over the park itself.
- 1.4 The principal building on the estate historically was the former childhood home of Elizabeth Barrett-Browning, located 150m to the southeast of the Walled Garden. Today only remnants remain, the original having been largely demolished in the 19th Century. The existing Hope End, restored in the 1970's and run until recently as a hotel, is understood to have been the outbuildings and stabling to the principal house.
- 1.5 Hope End House, built in the latter part of the 19th Century occupies a position on higher ground to the North.

**The Proposal**

- 1.6 The proposal centres upon the walled garden, thought to date from the mid-18th Century. It measures 80m east/west and 50m north/south and slopes slightly towards the south. Stone-capped brick walls surround the garden, with doors in the east, west

and south walls. The north wall was once heated and a range of sheds survive behind. The only glasshouses currently located within the garden are along the north wall and date from circa 1990. Public Footpath CW55 runs parallel to the west wall of the garden at a distance of approximately 30m.

- 1.7 The development proposed seeks permission for the erection of a dwelling within the walled garden as an alternative to the existing permission to extend the gardener's cottage. The development proposed is, at face value, contrary to policy in that it proposes new residential development in open countryside.
- 1.8 Further, Members will be aware that S.54 (a) of The Town and Country Planning Act 1990 requires that any determination made under the planning Acts shall be made in accordance with the development plan unless material considerations indicate otherwise.
- 1.9 In this case, however, the existing consent for the extension to the gardener's cottage represents is a material consideration that Members may consider to warrant a departure from adopted policy.
- 1.10 The existing permission relates to an extension of the gardener's cottage located outside the walled garden a short distance from the northeast corner. This single-storey brick building was enlarged in the 19th Century from a store into a gardener's cottage. Application MH97/1452, referred to in the description of development, allowed a considerable two-storey addition to this building, extending into the walled garden breaching both the eastern and northern walls.
- 1.11 The effect is to permit the creation of a substantial two-storey dwelling with a single-storey element to the west and the remnants of the gardener's cottage visible to the east. This extension has not been started, although correspondence on file indicates that the permission has been safeguarded and could therefore be implemented at a future date.
- 1.12 The dwelling proposed is an alternative to this extension. The dwelling would be positioned midway along the northern wall. In this position it would be necessary to remove approximately 10m of the original wall to allow circulation internally. The dwelling is orientated to face into the garden and is architecturally of the Georgian style, with a symmetrical southern elevation. The building would abut and be linked internally to the existing modern glasshouses.
- 1.13 The dwelling would have a ground floor area of 200 square metres, and overall height of 7.7metres. This compares to a ground floor area of 208 square metres for the existing permission, which incorporates the gardener's bungalow and has an overall height of 7.1metres. The relative mass of the two buildings is thus comparable. It should be noted that the current proposal allows the gardener's cottage to be read as a separate entity. Its presence has not therefore been taken into account in the calculation of floor area for the current proposal.
- 1.14 Vehicular access to the proposed dwelling is proposed via a spur from the driveway to Hope End House, with uncovered parking provision to the rear of the proposed dwelling. This contrasts with the existing permission MH97/1452 which involved the construction of a three bay open-fronted garage building set between shrubs to the east of the walled garden, utilising the existing approach to the gardener's cottage running parallel to the east wall. Under the current proposal this garage building would not be constructed.

1.15 The justification for the current proposal is the existence of the permitted scheme to extend the gardener's cottage in a manner that would create a dwelling of comparable size and scale. A determination is therefore required as to whether the existing permission to extend the gardener's cottage or the dwelling currently proposed is the more appropriate given the historic, architectural and landscape context. If the current proposal is permitted the previously approved scheme would not be implemented.

## **2. Policies**

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

H4 – Development in the Countryside

REC4 – Public Rights of Way

LAN2 – Areas of Outstanding Natural Beauty

LAN3 – Development in Areas of Great Landscape Value

### **2.2 Herefordshire Unitary Development Plan**

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

DR1 – Design

H7 – Housing in the Countryside Outside Settlements

LA1 – Areas of Outstanding Natural Beauty

LA2 – Landscape Character and Areas Least Resilient to Change

LA4 – Protection of Historic Parks and Gardens

LA5 – Protection of trees, Woodlands and Hedgerows

LA6 – Landscaping Schemes

## **3. Planning History**

MH97/1452 - Extension and alterations to existing dwelling and proposed new detached garage, The Walled Garden, Hope End, Ledbury: Approved under delegated powers 24th June 1998.

## **4. Consultation Summary**

### Statutory Consultations

4.1 Environment Agency: No objection subject to the imposition of a standard foul drainage condition.

### Internal Council Advice

4.2 Conservation Manager (Landscapes): The comments are summarised as follows:

Hope End is a picturesque landscape designed by J C Loudon to complement the original house that he also designed and which has since been largely demolished. It is registered by English Heritage as a Grade II landscape in their national register of parks and gardens of special historic interest. The walled kitchen garden is a central feature of the registered landscape, dating from around 1750. It is in exceptionally good repair and one of the finest examples of walled gardens in the County.

I am aware that there is an existing permission for an extension to the adjacent gardener's cottage into the kitchen garden at Hope End and I therefore do not object to this development in principle. The design of the house submitted in this application is far more in keeping with the character of the site and the quality of the estate buildings than the previous proposal and I therefore support the concept of the overall built design in place of the scheme already given permission.

The following concerns have, however, been expressed:

1. A preference that the proposed house be brought forward slightly so that it sits entirely within the garden wall;
2. Reservation about the relationship of the linking block that appears neither quite house nor glasshouse. A more sensitive design could successfully join the two built elements;
3. There is no apparent provision for car parking, which ought to be considered at this stage.

- 4.3 Conservation Manager (Building Conservation Officer): The comments are summarised as follows:

In general the proposed scheme would be a major improvement on the previous scheme as it allows the garden to retain its historic context and maintain a separation between the gardener's cottage and the garden. The proposed site is to the centre and rear of the garden as approached and therefore allows the feeling of the existing walled garden to be retained.

It is recommended that the building be brought forward into the walled garden so that the wall remains unaltered. The link element between the house and glasshouse would also benefit from review.

- 4.4 Transportation Manager: No objection

## **5. Representations**

Objections to the proposal are summarised in paragraphs 5.1 - 5.8 below.

- 5.1 Colwall Parish Council: Objects to the development.

The Council believe that the existing permission has lapsed, as there is no indication that the development has been started within the set time-scale. The Council also believes that the development would have a detrimental effect on the heritage of this site. The style of the proposed new house is also objected to and the presence of protected tree specimens to the northern boundary is highlighted. The development would also have a detrimental visual impact from a footpath, which is one of the Malvern Hills Outstanding Natural Beauty discovery walks. The Council also notes the new access through existing parkland and would like to stress that the visual impact would impinge on this environmental and historic landscape. These comments are upheld in the Colwall Village Design Statement paragraphs 3.2, 3.3 and 5.6.

- 5.2 English Heritage is concerned that so grand a house is alien to the character of a historic walled garden and to its role in the historic park. We would have preferred to see something more modest, and ideally something no higher than the walls.

5.3 The Campaign to Protect Rural England: We can see no justification for building a domestic property on this site, and we would be grateful if the Council could tell us what considerations led to the approval in 1997 of such a building in open countryside within the AONB? We find it difficult to square this decision with the then Council's policies.

5.4 Malvern Hills AONB Planning Group: Objects to the development.

The proposed construction of a new house in this historic parkland in open countryside is considered inappropriate and will mar the natural beauty of the area.

5.5 Hereford and Worcester Gardens Trust: Objects to the development.

The Trust notes the special landscape and historic qualities of the area, particularly the influence of J C Loudon. They conclude that the house is too large and intrusive for the setting, which is especially self-contained and has a unique ambience, derived from its significant history.

5.6 Walled Kitchen Gardens Network: Objects to this development.

The plans to build a large, new house, not in keeping with the overall aesthetic and original purpose of the garden, is unacceptable and would entirely destroy the garden's early 19th century character.

5.7 20 letters of objection have been received. They include representation from the adjoining landowner, the neighbouring parishes and from outside the County. The content is summarised below.

1. The development is contrary to policies restricting residential development in open countryside, which is recognised for its quality as an Area of Outstanding Natural Beauty;
2. The parkland, of which the garden is an integral part, is Grade II listed on the English Heritage register of Parks and Gardens of special historic interest in England and as such should be afforded special protection;
3. The development would create two dwellings on site, where only one exists at present;
4. The proposal is not in keeping with the walled garden;
5. The development will be obtrusive in the landscape and visible from public vantage points;
6. The creation of a new vehicular access would be visually intrusive and necessitate the removal of trees;
7. Concern is expressed as to whether the existing permission for the extension to the cottage has been implemented;
8. The proposal cannot be considered as an amendment to the existing permission, rather new residential development in open countryside;
9. The development would adversely affect the privacy of the adjoining occupants at Hope End House.

5.8 A 35-name petition of objection to the proposal has also been received.

Support for the proposal is summarised in paragraphs 5.9 - 5.10

- 5.9 2 letters of support have received from Mr A Peake, Westhill House, Ledbury and Mr N Daffern, Hope End, Ledbury. These express the view that the current application represents an improvement on the existing planning consent and would give renewed purpose to the walled garden.
- 5.10 The Garden History Society: Express support for the proposal having visited the site and compared the existing consent with the current proposal.

"We note that the permitted scheme, if implemented, would result in three significant adverse impacts on the historic fabric:

1. The single-storey cottage would be truncated and would lose its aesthetic coherence;
2. The northeast corner of the walled garden would be punctured by the new dwelling;
3. A garage would be erected to the southeast of the cottage and the vehicular access to the new dwelling would extend parallel to the eastern wall of the garden.

The amended scheme, if implemented in place of the consented scheme, would avoid these negative impacts and would, in our opinion, offer some significant advantages:

1. The cottage would be retained intact and with its existing spatial relationship to the walled garden unaltered;
2. The vehicular access to the dwelling would be from the northeast extending parallel to the northern boundary of the site, with the result that vehicular movements would be screened from view by the cottage and the evergreen shrubbery parallel to the eastern wall of the Walled Garden;
3. The permitted garage would not be constructed;
4. The dwelling would be placed parallel to the north wall of the garden and would have a better aesthetic and spatial relationship to the glasshouse and the garden itself.

In summary The Garden History Society does not wish to object to the present amended scheme, which it advises has a less detrimental impact on the historic fabric of the walled garden, its immediate setting and the wider historic designed landscape than the scheme for which consent has already been granted. The Society therefore advises that subject to the unambiguous revocation of the consent for the extension to the single-storey cottage, vehicular access from the southeast and the construction of a garage, which exist under permission MH97/1452, and the framing of conditions for the appropriate repair of the walls enclosing the walled garden, application DCNE05/2041/F should be approved."

- 5.11 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 Given that the proposal, when considered in isolation is clearly contrary to policy, the material consideration, namely the extant permission, has become the key aspect in the determination of this application.

- 6.2 Members will note the polarisation of views apparent in section 5 of the report and the documented objection to and support for the proposal. A number of the objections relate solely to the erection of the new dwelling and have not commented on the full proposal, namely the non-implementation of the existing extant permission. Consequently they have not expressed a preference between the two.
- 6.3 In the view of both the Council's Landscapes and Building Conservation Officers, the current proposal represents a significant improvement upon the existing consent. This is further reinforced by the comments of The Garden History Society, the body with pre-eminence in the study of garden history and the protection of historic gardens, who observe that the current proposal would avoid the identified significant adverse impacts of the existing consent outlined at paragraph 5.8 of the report and offer some "significant advantages".
- 6.4 Concern has been expressed in a number of the representations on file as to whether the existing consent has, in the absence of any discernible groundwork, lapsed. Correspondence on the historic file indicates that the relevant condition was discharged prior to the expiration of the 5-year period, whilst the site was pegged-out to satisfy the commencement requirement. The Local Planning Authority accepted that this was satisfactory to safeguard the permission, which thus remains extant.
- 6.5 A number of representations express concern at the detachment of the dwelling from the gardener's cottage and consequent creation of two dwellings. It is accepted earlier in the report that this is contrary to adopted Local Plan policy and National Planning Guidance. The applicant has indicated, however, a willingness to accept a condition restricting the separate occupation and resale of the gardener's cottage. The gardener's cottage would remain ancillary to the main dwelling and not become a separate planning unit. It is the opinion of your officer that any forthcoming application to remove such restrictive conditions could be rebutted given the special landscape quality of the site and its surrounds.
- 6.6 The application makes no provision for garaging, parking provision being located to the rear of the dwelling. As such, the garaging approved under MH97/1452 is not to be constructed, which is viewed as a significant advantage. Any forthcoming application for garaging would be considered on its individual merits having regard to development plan policy.
- 6.7 The proposal represents, in your officer's opinion, a more appropriate response to the walled garden than the existing permission for the extension of the gardener's cottage. The application is therefore recommended for approval subject to the conditions set out 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 - A06 (Development in accordance with approved plans) (dated 21 June 2005)  
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 - A12 (Implementation of one permission only) (MH97/1452 dated 24 June 1998)  
Reason: To prevent over development of the site.
- 4 - B01 (Samples of external materials )  
Reason: To ensure that the materials harmonise with the surroundings.
- 5 - E16 (Removal of permitted development rights )  
Reason: To safeguard the character and appearance of the site, which is listed on the English Heritage Register of Parks and Gardens of special historic interest in England.
- 6 - E18 (No new windows in specified elevation )  
Reason: In order to protect the residential amenity of adjacent properties.
- 7 - E29 (Occupation ancillary to existing dwelling only )  
The existing gardener's cottage shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby approved.  
Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.
- 8 - E15 (Restriction on separate sale )  
The gardener's cottage and the dwelling hereby approved shall not be sold or let separately from each other.  
Reason: It would be tantamount to the erection of the additional dwelling contrary to the policy of the local planning authority.
- 9 - F18 (Scheme of foul drainage disposal )  
Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 10 - 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.
- 11 - 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.



12 - G19 (Existing trees which are to be retained )

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

13 - G21 (Excavations beneath tree canopy )

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

14 - H13 (Access, turning area and parking) (Details to be submitted shall include cross-sections through the new driveway.

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

15 - Prior to the commencement of development, the applicant shall, in conjunction with the Council's Building Conservation Officer, agree a schedule of works to cover any necessary works of repair to the wall enclosing the walled garden. Works of repair shall be carried out in accordance with the agreed details before the first occupation of the dwelling hereby approved.

Reason: In order to safeguard the character and appearance of the walled garden.

Informatives:

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

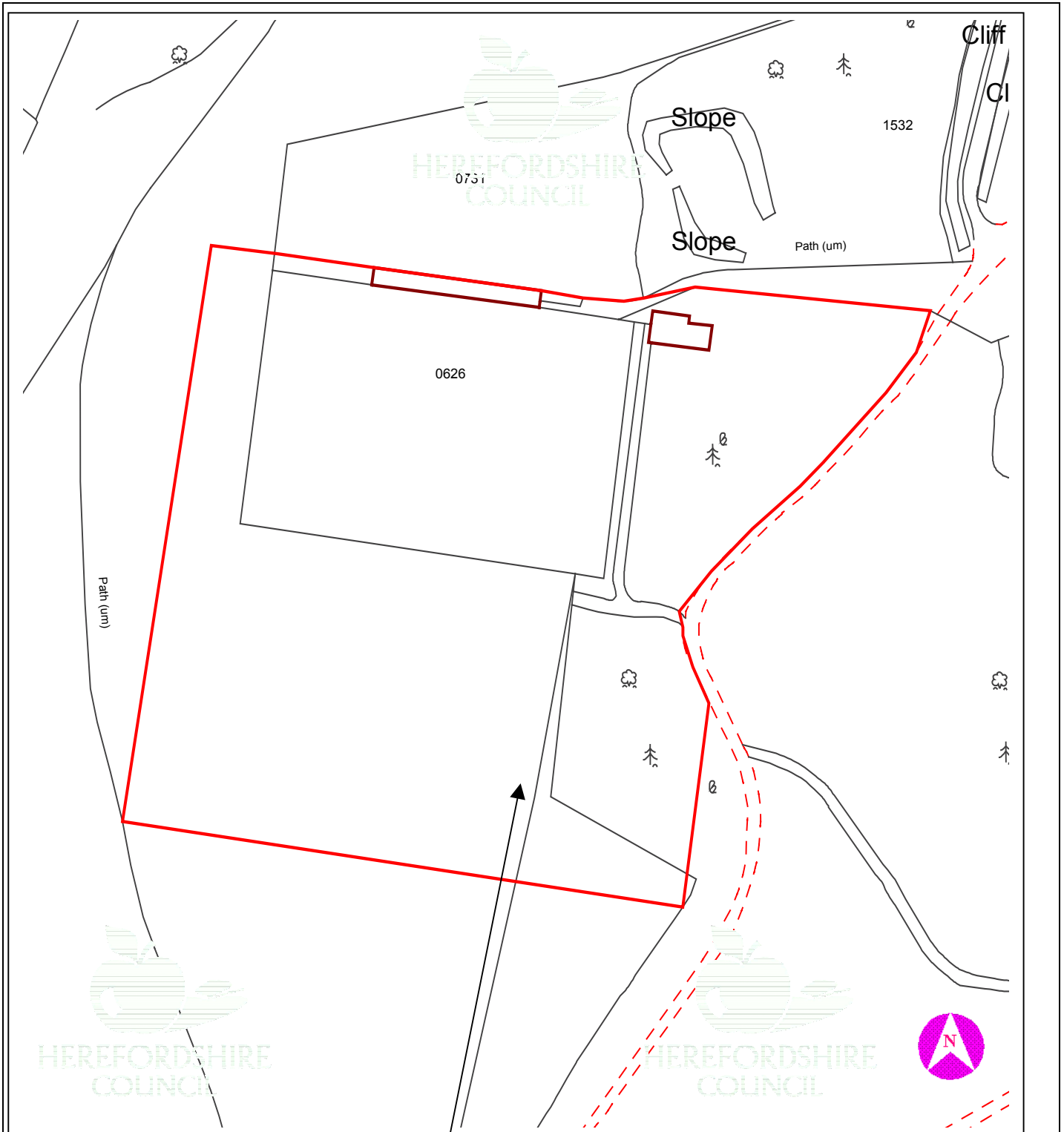
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNE2005/2041/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Kitchen Garden, Hope End, Ledbury, Hereford HR8 1JQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

## **8 DCNE2005/2297/F - CHANGE OF USE TO A ONE FAMILY GYPSY CARAVAN SITE AT LAND AT BUSH PITCH, HR8 2PX**

**For: B Smith & A Walker c/o 25 Steeple View, Bank Crescent, Ledbury, Herefordshire HR8 1AD**

**Date Received:**  
11th July 2005

**Ward:**  
Ledbury

**Grid Ref:**  
68987, 39300

**Expiry Date:**  
5th September 2005

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

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

- 1.1 The application site comprises an open, broadly rectangular parcel of land to the northern edge of the A438 Hereford road, just under a mile west of Ledbury. Planning permission is sought for the change of use of this land to form a site for a single gypsy family.
- 1.1 The site is accessed directly from the main road via an existing gated access set back from the roadside. Land immediately to the west is in agricultural use and this boundary is further defined by the presence of public footpath LR13, which leads to a pedestrian footbridge over the railway forming the northern boundary to the site. The eastern boundary is shared with the neighbouring bungalow.
- 1.2 There are undulations within the site, although the land generally slopes away from the road and towards the northeast corner. Vegetation is limited to the site periphery and is most abundant to the western and eastern boundaries. The roadside hedgerow is of variable quality and it is proposed that this be reinforced with further planting of native species.
- 1.3 The development is concentrated to the northwest corner of the site, which is some of the lowest lying land and is also the furthest point from the neighbouring dwelling. Permission is sought for the siting of the principle residential (static) caravan, with provision for a touring caravan when necessary. Also proposed is the erection of a shed on the site of an existing collapsed structure and 3 no. parking spaces. It is proposed that this "domestic" area be defined from the rest of the site by the erection of a 1m high stone wall. Foul drainage would be to a proposed septic tank.

### **2. Policies**

#### **Planning Policy Guidance**

Circular 1/94 – Gypsy sites and planning  
PPG3 - Housing

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

Housing Policy 15 – Gypsy Sites

Landscape Policy 1 – Development outside settlement boundaries  
Recreation Policy 4 – Public Rights of Way

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

S1 – Sustainable Development  
S2 – Development Requirements  
H12 – Gypsies and other travellers

### **3. Site History**

3.1 None relevant to this application

### **4. Consultation Summary**

#### Statutory Consultations

4.1 Environment Agency: No objection

4.2 Railtrack: No objection

#### Internal Council Advice

4.3 Conservation Manager (Landscapes): The removal of roadside hedge necessary to meet visibility standards would also open up views into the site, detracting from the rural character of the road corridor.

4.4 Public Rights of Way Manager: Has no objection. "The proposed development would not appear to affect public footpath LR13.

4.5 Traffic Manager: No objection

### **5. Representations**

5.1 Ledbury Town Council: Objects to the proposal. "Herefordshire Council has a duty to provide spaces for travellers, to allow individuals to do so will set a precedent. The application would have a detrimental impact on the definitive footpath across this land."

5.2 The Rambler's Association: No objection

5.3 Forestry Commission: No objection

5.4 The Campaign to Protect Rural England: Have no objection on visual amenity grounds owing to the site topography. Would ask that hardstanding be kept to a minimum and that the proposed stone wall be replaced with a hedgerow or fence. Also recommend the imposition of a condition preventing the use of the site as a workplace.

5.5 A total of 3 Letters of objection have been received from Mr. N Andrews, Baynhams Farm, Mr & Mrs P Perrett, High Winds and Mr & Mrs Garcia de Madinabeitia, Bush Pitch Cottage all on Hereford Road, Ledbury. The objections are summarised as follows:

1. Concern at the detrimental impact upon the amenity of footpath LR13;
2. Concern at the excessive speed of vehicles using the adjoining carriageway and the implications for safe vehicular access and egress to the site;
3. Concern that should permission be granted more caravans than currently applied for may take advantage of the site.

All of the letters of representation ask that in the event that permission is granted, the local planning authority take measures to ensure that the amenity of neighbouring residents is adequately safeguarded.

- 5.6 A design statement, the content of which is summarised below, accompanies the application.
- 1) The site falls outside the settlement boundary but within one of the exceptional circumstances outlined in UDP policy H7;
  - 2) The site lies inconspicuously between the railway cutting and the A438, is well capable of being screened and is within reasonable distance of local services and facilities;
  - 3) There is an existing gated access, from which visibility is well in excess of 150m either way;
  - 4) The proposal would constitute a small but worthwhile contribution towards solving the outstanding problem of finding suitable accommodation for gypsies and travellers in the country, without being a burden on public resources.
- 5.7 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 application falls to be considered against the relevant policies of the adopted Local Plan and those emerging within the Unitary Development Plan (Revised Deposit Draft). The principal Government planning guidance on the provision of accommodation for gypsies is contained within Circular 1/94. The guidance indicates that the needs of gypsies should be taken into account in preparing planning policies. More widely, paragraph 13 of PPG3 indicates that local authorities should help to meet the housing needs of special groups, including travellers.
- 6.2 Members may recall the Public Inquiry held into the application for the retention of a gypsy caravan site for 26 pitches at Yoke Farm, Upper Hill, Leominster (NW03/2065/F). Here the Inspector concluded that despite the demonstrable landscape harm and unsustainable location, permission for the retention of 18 pitches should be granted, as the Council had not discharged its statutory duties in making a proper assessment as to the accommodation needs of travellers.
- 6.3 In this case, the application seeks permission for the establishment of a site for a single family, which would necessitate the stationing of a static caravan, with associated space for parking a touring caravan and the applicant's vehicles. Policy H15 of the adopted Local Plan states that in considering applications for gypsy sites the Council will have regard to a number of criteria, which include consideration of the impact upon areas of statutory designation including Areas of Outstanding Natural Beauty, Conservation Areas and sites of Nature Conservation.

- 6.4 Furthermore, sites should be:
- 1) Close to or easily accessible from a major traffic route;
  - 2) Be within reasonable distance of urban areas or other settlements;
  - 3) Be already screened or capable of being screened;
  - 4) Have essential services available or capable of being made available; &
  - 5) Be of a size to enable them to be assimilated within the local community.
- 6.5 Policy H12 of the UDP also requires that sites be within reasonable distance of local services and facilities, with adequate landscaping and screening to ensure that there is no adverse impact upon the character of the area. It is also required that sites for settled occupation should be small, unless there is a need to provide a site on a route frequented by groups travelling in large numbers.
- 6.6 In this case the site does not affect any area of statutory designation and is within a mile of Ledbury. The site is well screened from most aspects although additional planting is proposed and will be subject to planning conditions should permission be granted.
- 6.7 The siting of the development makes best use of the site topography and is at the furthest point from the neighbouring dwelling. Further, neither The Traffic Manager nor the Public Rights of Way Manager has raised any objection to the proposal. The concern expressed by the Conservation Manager (Landscapes) could, in your officer's opinion, be overcome by the imposition of appropriate conditions.
- 6.8 In order to safeguard the landscape character of the area, it is suggested that the proposed stone wall, indicated on the submitted plans, be substituted for a mixed native-species hedgerow or fence.
- 6.9 The views of neighbouring residents have been taken into account and will be reflected in the imposition of conditions limiting the number of residential caravans allowed on the site to the number described in the application and precluding any business use from the site.
- 6.10 In view of the existing identified shortfall in the provision of traveller sites and having regard to recent appeal history on the subject, a refusal is not considered sustainable in this instance. It is therefore recommended that planning permission be granted subject to the conditions outlined in the recommendation.

## 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 - E27 (Personal condition )**

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

**3 - Notwithstanding the submitted plans, the proposed 1m stone wall shall not be constructed, but should be substituted by a mixed native species hedgerow or fence to be agreed in writing by the local planning authority. Development shall accord with the agreed details.**

**Reason:** In order to safeguard the landscape character of the area

**4 - The permission hereby approved shall be limited to the use of the site by a single gypsy family. Accommodation shall be restricted to the stationing of a single residential (static) caravan.**

**Reason:** In order to define the terms of the permission and safeguard the amenity of neighbouring residents.

**5 - At any one time the number of caravans on site should not exceed two (2) as shown on the approved plan. Only one (1) of these shall afford permanent residential accommodation.**

**Reason:** In order to define the terms of the permission and safeguard the amenity of neighbouring residents and the landscape character of the area.

**6 - F42 (Restriction of open storage )**

**Reason:** To protect the appearance of the locality.

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

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

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

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

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

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

**10 - H05 (Access gates )**

**Reason:** In the interests of highway safety.

**11 - H06 (Vehicular access construction )**

**Reason:** In the interests of highway safety.

**Informative(s):**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN05 - Works within the highway
- 3 - N04 - Rights of way

Decision: .....

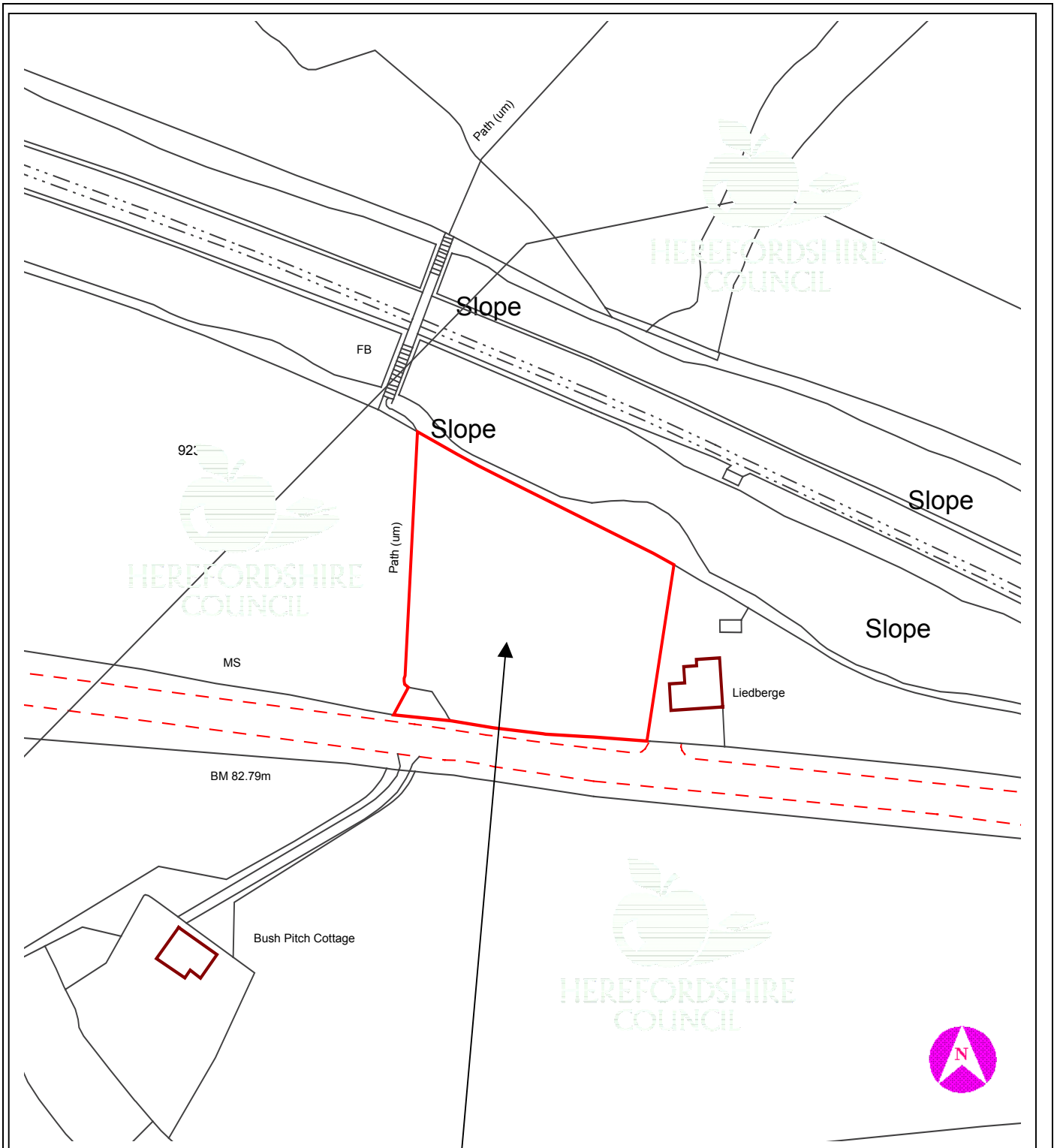
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNE2005/2297/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Bush Pitch, HR8 2PX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



## **9 DCNE2005/2601/F - PROPOSED DWELLING AT LAND AT HOMEND CRESCENT, LEDBURY, HEREFORDSHIRE**

**For: Mr J Haines per Mr P D Jones 92 Robinsons Meadow Ledbury Herefordshire HR8 1SX**

**Date Received:**  
9th August 2005

**Ward:**  
Ledbury

**Grid Ref:**  
71012, 38117

**Expiry Date:**  
4th October 2005

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

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

- 1.1 The application site is currently vacant and has been since the 1980's when a former dwelling was demolished. It is long and narrow, being 27 metres in length and having a road frontage width of 10 metres. The part of the site closest to Homend Crescent is relatively flat, but slopes progressively to the west, looking over The Homend and the town beyond. A listed building lies immediately to the north and the site is also adjacent to Ledbury Conservation Area.
- 1.2 The application is for the erection of a dwelling. It has been amended since its original submission and the plans now show a property fronting onto Homend Crescent with a cross wing to the rear. It has a total floor area of approximately 130m sq and a ridge height of 7.4 metres. Off street parking is achieved by a drive to the north of the proposal, adjacent to the listed building. The plans indicate the use of a facing brick, plain clay tile and timber windows, the exact details of which are to be agreed if planning permission is forthcoming.

### **2. Policies**

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

Housing Policy 2 - Development in Main Towns

Housing Policy 3 - Settlement Boundaries

Housing Policy 17 - Residential Standards

Conservation Policy 3 - Setting of Conservation Areas

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

H13 – Sustainable Residential Design

HBA4 – Setting of Listed Buildings

### **3. Planning History**

NE2005/1562/F – Erection of a dwelling – Withdrawn 8<sup>th</sup> July 2005.

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

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 Transport Manager - Parking below standards for spaces and visibility. However, given the precedents nearby, the difficult site and the residential nature of the area it would appear unreasonable to refuse.

4.3 Conservation Manager - Comments on the amended plans are awaited.

#### **5. Representations**

5.1 Ledbury Town Council - Objected to the original submission on the basis of loss of light to the adjacent dwelling. Recommend refusal of the amended plans due to a lack of information (it is not specified in their comments what information is lacking).

5.2 One letter has been received from Mr J Thurston, Barnetts Cottage, Homend Crescent, Ledbury. In summary the points raised are as follows:

- a) Loss of daylight to two windows serving a stairwell and study
- b) Proximity of proposal to Barnetts Cottage
- c) Unsatisfactory parking provision
- d) Concerns over highway safety
- e) Access difficulties during construction

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 position of the proposed dwelling has been influenced by earlier comments from the Historic Buildings Officer. The first application (NE2005/1562/F) suggested that the dwelling would be set back from Homend Crescent with a parking area in front. It was noted that the properties immediately adjacent all abut the road and that the dwelling set back would not respect this general form of development in particular the listed building adjacent. The current application follows this advice.

6.2 If the objections relating to loss of daylight and proximity are to be completely addressed any development would have to be set back at least 10 metres from the road frontage and clearly this would be at odds with the advice given by the Historic Buildings Officer. A view must therefore be taken on whether the scheme is so harmful to the amenity of Barnetts Cottage to warrant refusal.

6.3 The two windows in question serve a stairwell and a study. The principal window openings front either onto Homend Crescent or the rear garden. Setting the dwelling back into the plot would cast shadows over those rooms at the rear and in your officers opinion would be more harmful to amenity. The dwelling is contained entirely within the plot and, whilst it is close to its neighbour, the proximity is not an unacceptable aspect when considered in the context of amenity. It is therefore concluded that the

application as it stands does not warrant refusal on the grounds of either amenity or proximity.

- 6.4 The Transportation Manager has commented that the parking arrangements do not meet standard requirements but that the local circumstances mean a refusal on highway grounds could not be sustained.
- 6.5 A balance must be struck between providing off street parking and the on street parking that is lost as a result of any development. If off street parking is provided, an element of on street is lost due to the provision of a new access. This proposal will have a neutral effect in this respect.
- 6.6 Concerns regarding construction work can be addressed to a degree by the imposition of a condition restricting working hours. However, more general disturbance and the manner in which materials are delivered to the site are not issues that can be controlled by condition, nor do they warrant the refusal of an application.
- 6.7 The general design and layout of the amended scheme is acceptable and will sit comfortably within its surroundings and will compliment its position adjacent to the Conservation Area. Subject to conditions referring to materials, joinery details and to prevent the addition of openings into the south elevation the application is recommended for approval.

## RECOMMENDATION

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

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

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

- 2 - **A09 (Amended plans )**

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

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

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

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

**Reason: In the interests of the character and appearance of the surrounding area.**

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

**Reason: In the interests of the character and appearance of the surrounding area.**

**6 - E18 (No new windows in specified elevation )**

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

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

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

**8 - 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.

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

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

**Informative:**

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

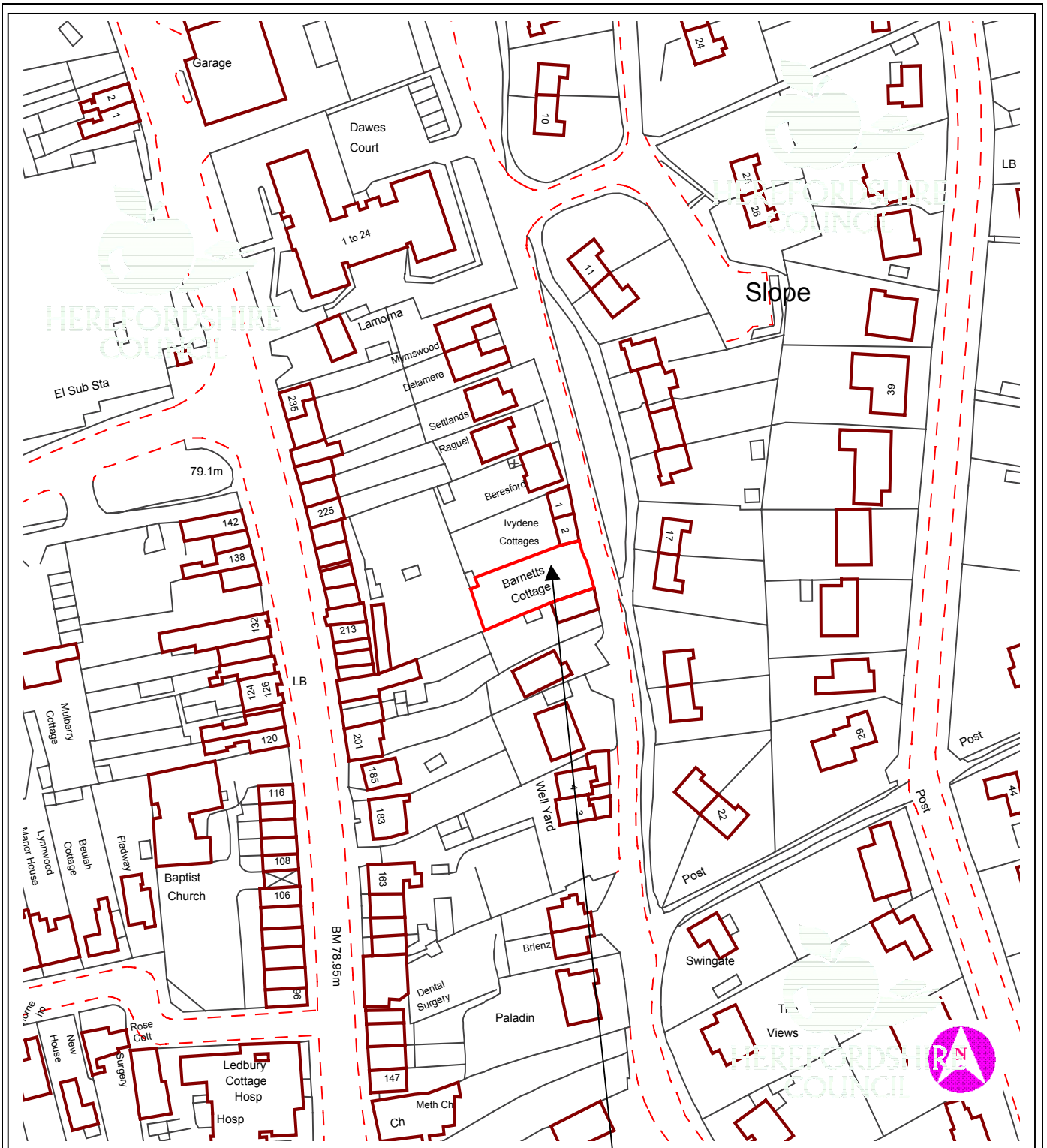
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNE2005/2601/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at Homend Crescent, Ledbury, Herefordshire

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005





**10 DCNE2005/2774/F - ERECTION OF CROSS COUNTRY JUMPS TO INCLUDE ADDITIONAL USE OF LAND AT TACK FARM, ULLINGSWICK, HEREFORD, HEREFORDSHIRE, HR1 3JQ**

**For: Mrs K Kawczynski Judith Norris Ltd Well House Farm Office Pooters Lane Hawkhurst Cranbrook TN18 5BB**

**Date Received:**  
22nd August 2005

**Ward:**  
Frome

**Grid Ref:**  
59665, 49241

**Expiry Date:**  
17th October 2005

Local Member: Councillor R Manning

**1. Site Description and Proposal**

- 1.1 Tack Farm lies to the south of Ullingswick on the C1118 road, approximately 6 miles to the south-west of Bromyard. It lies within an undulating pastoral landscape with large open fields demarcated by mature hedgerows.
- 1.2 The built element of the farm comprises the farmhouse together with a group of buildings of varying sizes and designs. A number of them have been converted to provide stabling in association with a livery business. This included the formation of a new schooling area and ancillary equestrian activities.
- 1.3 This application seeks to change the use of 16 hectares of land from agriculture to a cross country course for horse riders. The land lies to the west and south west of the farm buildings and is dissected by a public bridleway (MJ1). It is bounded on two sides by a designated ancient woodland known as Moreton Wood. A small number of dwellings lie to the north, adjacent to the public highway and some will have distant views across.
- 1.4 The application is in fact retrospective as 25 jumps are stationed on the land, of these, 13 are described as mobile, being readily movable with a 4x4 or tractor. A further 8 are positioned within fence or hedge lines (two have resulted in the removal of sperate 10 metre high lengths of hedgerow) and 4 are permanent structures in open fields. All are constructed in natural materials, predominantly timber, and have limited visual prominence.
- 1.5 The application is supplemented by a report on the highway implications of the scheme and a statement prepared by the applicants planning consultant. The former advises that the use of the course is for schooling of riders over cross country fences. Sessions will last up to 1.5 hours and involve groups of up to six riders and any one time.

## 2. Policies

### Hereford and Worcester County Structure Plan

CTC6 – Landscape Features  
CTC9 – Development Requirements  
A1 – Development on Agricultural Land  
LR2 – Leisure and Recreation Development  
LR14 – Countryside Sports

### Malvern Hills District Local Plan

Landscape Policy 1 - Development Outside Settlement Boundaries  
Transport Policy 11 - Traffic Impact  
Recreation Policy 4 - Public Rights of Way  
Recreation Policy 14 - Commercial Equestrian Development

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

LA5 – Protection of Trees, Woodlands and Hedgerows  
RST1 – Criteria for Recreation, Sport and Tourism Development

## 3. Planning History

NE2004/4231/F - Change of use from agriculture to cross country course - Withdrawn  
13th April 2005.

NC2003/3755/F - Upgrading of access track to a stone surface - Approved 24th March  
2004.

NC2001/2391/F - Conversion of farm buildings to stables, livery yard and saddlery.  
Formation of 20x40 metres schooling area - Approved 21st November 2001.

## 4. Consultation Summary

### Statutory Consultations

4.1 None required.

### Internal Council Advice

4.2 Transportation Manager - comments as follows: "Having driven the length of the two routes by which the facility would be accessed, my comments are as follows, and concur with the supporting statement accompanying the application.

The route from A417 to Tack Farm is the wider of the two routes and is approximately 2 km in length. Over the majority of its length it is of adequate width to allow two cars to pass easily and initially the width is around 4.5m or more, narrowing to less than 4m over the last 600m to Tack Farm. Over this narrower length there are regular established passing points which will allow larger vehicles to be passed, and these passing bays are intervisible. The southern leg from Upper Town to A417 is slightly narrower than the other, but reasonably straight with good visibility

The route from A465 to Tack Farm is of similar length but of lesser width, generally between 3.0m and 4m, but again with a good number of passing points which are intervisible and give opportunity for vehicles to pass.

The existing traffic flows that are using these lengths of road at present during peak hour are a maximum of 25 vehicle movements, ie less than one vehicle movement on average every two minutes. Under the proposals, it is anticipated to only add 34 movements a day and this will have little effect as these are to be spread through the day.

The only conflict in vehicles which might require a vehicle to reverse, would be if two horseboxes met on the narrower sections of road and could not be accommodated by the passing bays, but due to the small flows which are involved, this is fairly unlikely. In view of the fact that a small number of sessions are planned in any one day, it could also be minimised by selective timing of the sessions.

I would comment that the visibility at the entrance, particularly to the east, would benefit by hedge trimming."

- 4.3 Public Rights of Way Manager - Comments as follows: "This application states that during schooling, the bridleway will only be walked over, however it also states that up to 28 events' could be held per year, and with the jumps only used in summer months this would equate to at least 1 per week. This would cause a hindrance to bridleways users that would be wholly unacceptable, and with events taking place so frequently we would not be sure that adequate supervision would be provided to protect the safety of users of the public bridleway."
- 4.4 Conservation Manager - No objection in principle to the proposed development. The jumps within the fields are small scale and would only have a slight adverse visual impact on the countryside.

The intention to retain jumps 3 and 16 in the hedgerow on the eastern side of the bridleway is noted. A Hedgerow Replacement Notice was served on 1st June 2004 in respect of the two lengths of hedgerow that have been removed without authorisation.

The view is maintained that the removal of these two sections of hedgerow and replacement jumps detracts from the amenity of the bridleway and erodes the character of the Principal Timbered Farmlands landscape. Field boundary hedgerows are a key characteristic of this landscape type.

## 5. Representations

- 5.1 Ullingswick Parish Council - No objection to the proposed expansion of the facilities of the existing equestrian business.

There is however public concern regarding the implications of the proposed change of use relating to:

- a) Noise from tannoy systems
- b) Movement of large vehicles/highway safety
- c) Public safety of bridleway users

- 5.2 Moreton Jeffries Parish Council comment as follows: "The Parish Council has no objections to the application if the site is used only for schooling and tuition with a limited number of trainees at any time. They believe it does not represent an accurate picture of how the roads could be affected. Concerns were also raised to the fact that there was a traffic gridlock in Ullingswick in August 2003 when an event was held at Tack Farm. If Herefordshire County Council does consider planning for the jumps to remain then we strongly urge the Council to limit the number of trainees and visitors that can attend the site at any one time. Jumps should be placed in the hedgerow to be removed and the hedge reinstated."
- 5.3 Ramblers Association is concerned that jumps 3 and 16 will affect the bridleway. Also concerned at the position of 13, 14 and 15 which are close to the bridleway.
- 5.4 Eight letters of objection have been received from:

Mr & Mrs O'Dell, Harry's Croft, Ullingswick  
Mr & Mrs Fisher, Tidmore Cottage, Ullingswick  
T A & F Horobin, Wellfield, Ullingswick  
Mr & Mrs Wilson, The Old Rectory, Ullingswick  
Dr J Stevens, Fairview, Ullingswick  
Mr N G Stevens, Fairview, Ullingswick  
Mr & Mrs G Spencer, Dora Cottage, Ullingswick  
Dr A K Barlow, Hill View, Ullingswick

In summary the points raised are as follows:

- a) Concern over highway safety.
  - b) Potential increases in traffic movements along minor roads and the detriment to residential amenity that will occur as a result.
  - c) Detrimental visual impact.
  - d) Removal of hedgerow without the requisite consent.
  - e) Safety issues of horse riders crossing the bridleway.
- 5.5 Six letters of support have been received. They highlight the lack of opportunities to school horses and country jumps and consider that the proposal meets this need.
- 5.6 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The points of concern can be distilled into four issues, highway safety, visual impact, removal of the hedgerow and the safety of pedestrian users of the bridleway. Each will be dealt with in turn.

### Highway Safety

- 6.2 This application is specifically for the provision of a schooling facility for cross country horse riders and their horses. This is made explicitly clear in both of the reports submitted by the applicants planning and highways consultant.

The main thrust of objectors concerns in this respect seem to focus on traffic problems caused by an event held in 2003.

Members attention is drawn to the comments of your Transportation Manager who has commented on the highway report. He notes that movement along the road peak at 25 per hour and that the current proposal represents a further 34 movements per day. He concludes that this will have little effect when spread through the day.

In order that concerns regarding traffic movements are addressed, it is recommended that a condition is imposed limiting the use of the course to that applied for, that being for the schooling of horses and riders and to limit the number of events that can take place in any calendar year. This would effectively remove the permitted use rights that exist and it is recommended that a maximum of eight days are permitted by condition. This equates to one event per month between March and October when ground conditions are suitable.

More generally the Transportation Manager highlights that a number of good passing places exist from both the A417 and A465 to Tack Farm. It is therefore your officers opinion that there are not sufficient grounds to refuse the application on the basis of highway safety.

#### Visual Amenity

- 6.3 Twenty-five fences of a maximum height of one metre are dispersed across 16 hectares of undulating land. All are constructed in natural materials and have a minimal visual impact. This view is reinforced by the Conservation Manager generally, who also suggests that enhancements to the landscape could be achieved by an appropriate planting scheme. A condition could be imposed to this effect to mitigate any perceived visual impact.

#### Hedgerow Removal/Bridleway Safety

- 6.4 Objections have been maintained by both Conservation and Public Rights of Way Managers. The former advises that their objection would be removed if small field gates were installed in replacement of the two fences. Similar comments are made by the latter.
- 6.5 These comments have been passed on to the applicant's agent who has agreed to amend the scheme and remove fence 3 but to retain fence 16. It is your Officer's opinion that the continued objection to this particular element by the Conservation and Public Rights of Way Managers, as well as members of the public are well founded on issues of both safety and visual impact. It is therefore recommended that the removal of the two fences within a set timescale, reinstatement of the hedgerow and details of any new gates should be the subject of condition to render the proposal acceptable on this basis the application is recommended for approval.

### **RECOMMENDATION**

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

- 1 - a) Within two months of the date of this permission, details of the removal of fences 3 and 16 and the reinstatement of the hedgerow shall be submitted to the local planning authority for their written approval.**

b) The hedgerow reinstatement shall be completed in accordance with the approved details within 2 months of their approval.

c) Any trees or plants which within a period of five years from the date of this approval die, are removed or become seriously damaged or deceased shall be replaced in the next planting season with others of a 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 five year defects period.

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

2 - Notwithstanding the provisions of schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) Order 1995, the land shall be used for a maximum of eight days in any one calendar year for the purposes of any horse shows or competitions. The development shall otherwise be used for the schooling of horses and riders and for no other purpose.

Reason: Order to safeguard the residential amenities of dwellings in the locality.

3 - G04 (Landscaping scheme (general) )

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

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

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

**Informative(s):**

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

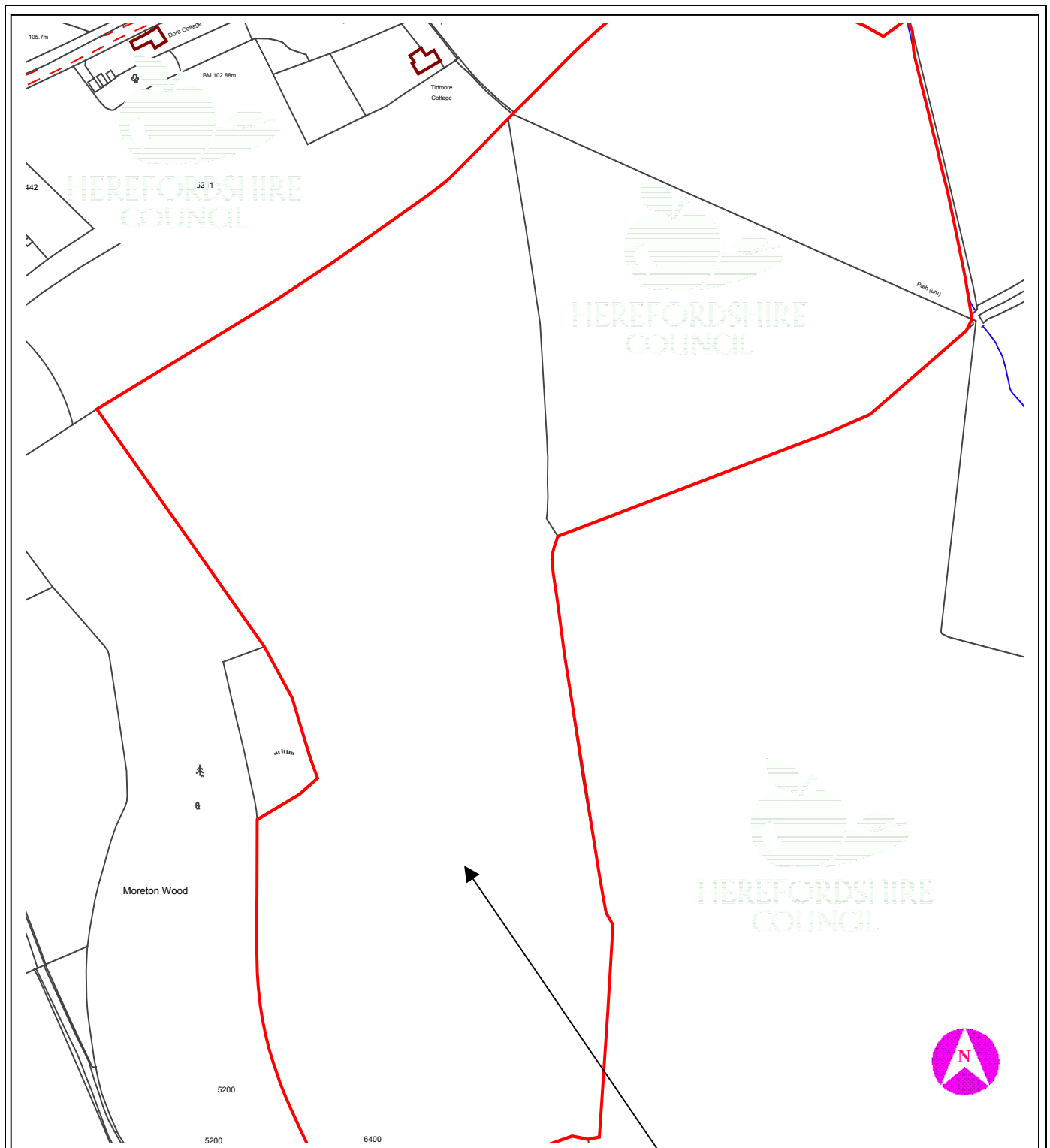
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNE2005/2774/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Tack Farm, Ullingswick, Hereford, Herefordshire, HR1 3JQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005





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

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

**Date Received:**

**1st June 2005**

**Expiry Date:**

**27th July 2005**

Local Member: Councillor Mrs O Barnett

**Ward:**

**Mortimer**

**Grid Ref:**

**40473, 73584**

## **INTRODUCTION**

This proposal was originally presented to Committee on 13<sup>th</sup> July 2005 at which Committee resolved that the Officers named in the scheme of delegation to Officers be delegated to approve the application, subject to the applicant first satisfying the requirements of the Environment Agency and the Environment Agency withdrawing its objection to the application. The applicant subsequently submitted a Flood Risk Assessment to the Environment Agency. In a letter dated 19<sup>th</sup> September 2005 they have stated that they maintain their objection to the proposed development on the grounds that a proper assessment of flood risk has not been undertaken, as required by Planning Policy Guidance 25 to demonstrate that the site can be developed and occupied safely and to ensure that flooding is not exacerbated elsewhere.

The Agency also state concerns about the proposed method of foul drainage as insufficient information has been provided.

Committee are reminded that Planning Policy Guidance 25 on Development and Flood Risk advises that the Agency should be re-notified to explain why material considerations outweigh the objection and to give the Agency the opportunity to make further representations.

The original report included three reasons for refusal, however committee accepted that other than the flooding issue, these other policy matters were not sufficient to justify refusal.

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

1.1 The site lies outside of the designated development limits of the settlement as indicated in the Leominster District Local Plan, identified as Flood Zone 3 and therefore liable to flooding during the 1 in 100 year flood event. The site is also designated in the Local Plan as a Landscape Protection Area therefore Policy A9 on Safeguarding the Rural Landscape in the Local Plan is relevant to this application.

- 1.2 The site is a green field site, located adjacent to a heavy industrial equipment site. Access is via the unclassified public highway that runs along the westerly boundary. There are commanding views over the surrounding countryside from the site.
- 1.3 The application proposes the erection of a steel framed maintenance building and attached office and toilet block and use of the land for parking of coaches in connection with an existing business that operates on another site.

## **2. Policies**

Planning Policy Guidance Note 25 – Development and Flood Risk  
Planning Policy Guidance Note 4 – Industrial and Commercial Development and Small Firms.

### **Leominster District Local Plan**

A1 – Managing the District's Assets and Resources  
A6 – Sites of Local Importance for Nature Conservation  
A9 – Safeguarding the Rural Landscape  
A15 – Development and Watercourses  
A23 – Creating Identity and an Attractive Built Environment  
A24 – Scale and Character of Development  
A25 – Protection of Open Areas or Green Spaces  
A35 – Small Scale New Development for Rural Businesses within or around Settlements  
A41 – Protection of Agricultural Land

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

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

## **3. Planning History**

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

## **4. Consultation Summary**

Statutory Consultations

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

Internal Council Advice

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

**5. Representations**

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

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

- 5.2 One letter in support accompanied the application from Mr R F Batt, 28/30 Watling Street, Leintwardine, Craven Arms, Shropshire, SY7 OLW. This letter can be summarised stating that he and his wife Heather own and run the village shop and that the village needs small businesses which provide employment in the area in order to help it from becoming a retirement area only.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

**6. Officers Appraisal**

- 6.1 The application proposes change of use of land and erection of a workshop and office for a coach hire, business on land that is undesignated for any particular use and is located outside the recognised development limits of the settlement as stated in the Leominster District Local Plan.
- 6.2 The site is also within Flood Zone 3 as indicated on the Environment Agency's data maps and as such the Environment Agency has responded to the application with an objection stating that no flood risk assessment has been submitted in line with PPG25 – Development and Flood Risk and the Agency's Flood Risk Standing Advice (FRA), to ensure that the site can be development and occupied safely. They further state that the site is 'operational development' within Flood Zone 3.
- 6.3 Planning Policy Guidance Note 25 on Development and Flood Risk states with reference to proposed development in paragraph 20
- “Providing an assessment of whether any proposed development is likely to be affected by flooding and whether it will increase flood risk elsewhere and of the measures proposed to deal with these effects and risks; and
- Satisfying the Local Planning Authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely.”
- 6.4 PPG25 advises Planning Authorities if mindful to approve such application that the Agency should be re-notified to explain why material considerations outweigh the objection and to give the Agency the opportunity to make full representations. These comments are contained in the Agency's response to this particular application.
- 6.5 Policy A35 on Small Scale Development for Rural Businesses within or around Settlements in the Leominster District Local Plan states that proposals for new sites accommodating employment generating uses and rural businesses within or around settlements will only be permitted where there are no suitable sites within the existing Settlement Boundary and where they comply with the criteria listed in Policy A1 which in this particular instance refer to environmental policies. Policy E10 of the emerging Herefordshire Unitary Development Plan also requires that applicants for development of this nature demonstrate that the level of development can be clearly related to the employment needs of the local economy and that no other suitable sites are readily available within the development limits.
- 6.6 The application gives no indication to measures taken to seek out alternative sites within the development boundary. The proposed development is not within or adjacent to the boundary and is located on an existing Greenfield site, that is not designated for employment use. There are commanding views from the site of the surrounding countryside and although the applicants propose to introduce random formal tree plantings around the perimeter of the application site, the proposal development will have a significant visual detrimental impact on the surrounding countryside, the site designated as Landscape Protection Area in the Leominster Local Plan and also located within close proximity (160 metres to the north east) of a SSSI site.
- 6.7 Members considered that the concerns set out in paragraphs 6.5 and 6.6 do not warrant refusal.

## RECOMMENDATION

**That planning permission be refused for the following reason:**

- 1 - The application site is within Flood Zone 3 as indicated on the Environment Agency's Flood data maps and no adequate flood risk assessment has been submitted with the application. Therefore the application is contrary to guidance given in Planning Policy Guidance Note 25 on Development and Flood Risk and Policy A15 on Development and Watercourses in the Leominster District Local Plan.**

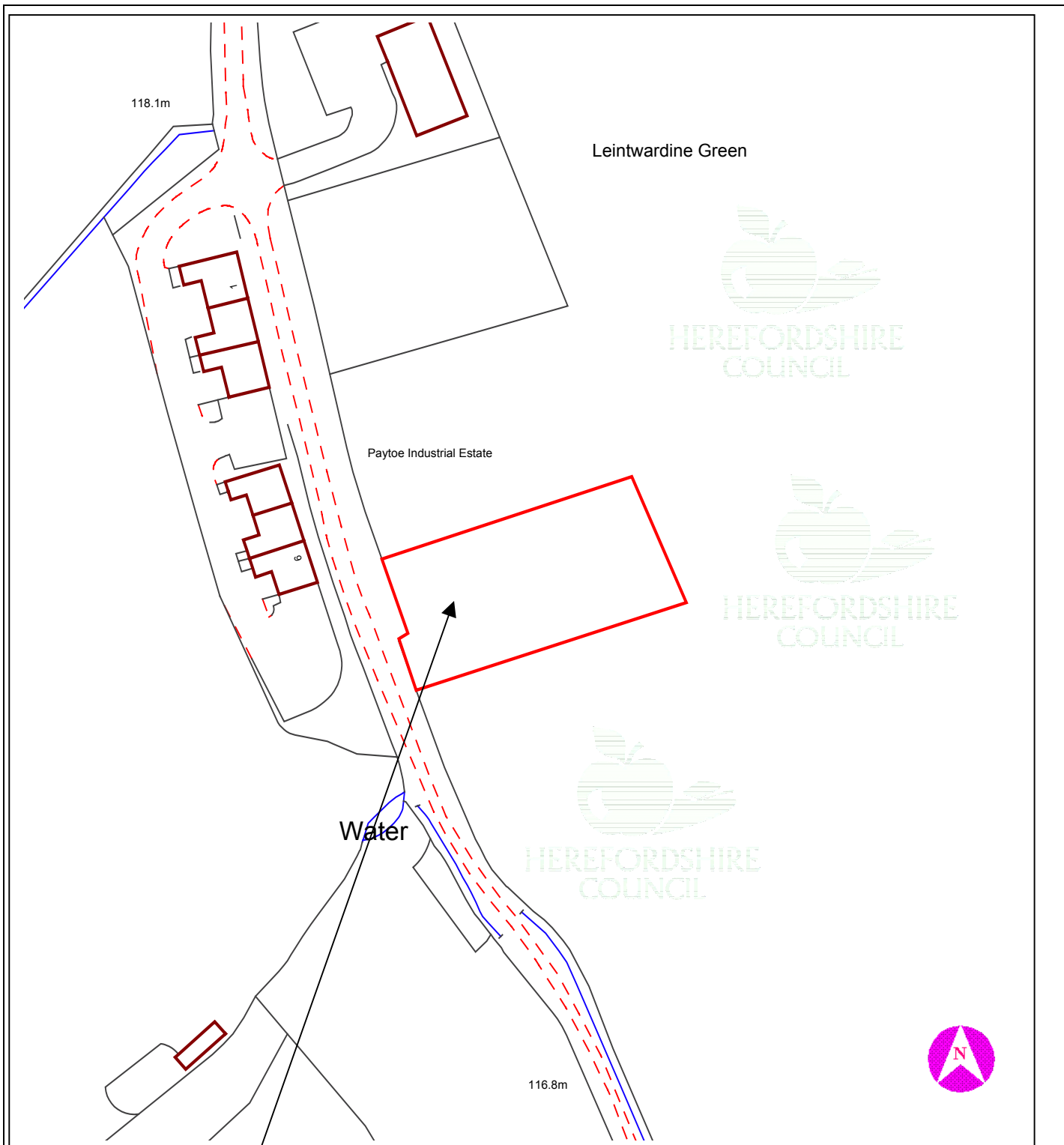
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNW2005/1819/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Paytoe Lane, Leintwardine, Herefordshire

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

original

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

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

**Date Received:**

**1st June 2005**

**Expiry Date:**

**27th July 2005**

Local Member: Councillor Mrs O Barnett

**Ward:**

**Mortimer**

**Grid Ref:**

**40473, 73584**

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

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

## **2. Policies**

Planning Policy Guidance Note 25 – Development and Flood Risk

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

### **Leominster District Local Plan**

A1 – Managing the District's Assets and Resources

A6 – Sites of Local Importance for Nature Conservation

A9 – Safeguarding the Rural Landscape

A15 – Development and Watercourses

A23 – Creating Identity and an Attractive Built Environment

A24 – Scale and Character of Development

A25 – Protection of Open Areas or Green Spaces

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

A41 – Protection of Agricultural Land

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

S1 – Sustainable Development

S2 – Development Requirements



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

### **3. Planning History**

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

### **4. Consultation Summary**

#### Statutory Consultations

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

#### Internal Council Advice

4.2 The Environmental Health Manager has no observation.

4.3 Highways Manager recommends that any permission include conditions with regards to visibility splays, turning and parking. Junction improvement/off site works, and notes to be attached with regards to mud on highway, works within the highway, Section 278 Agreements, Section 38 Agreement details, no drainage to discharge on highway and works adjoining highway.

4.4 Forward Planning Manager has responded to the application with concerns about the proposed development with regards to environment issues and that the location is outside the development limit of the Settlement, however the response does stress that the site is well related to existing employment generating schemes in close proximity. The response further states that any application of this nature needs to demonstrate that the level of development can be clearly related to the employment needs of the local economy and should clearly demonstrate that there are no other suitable sites readily available within the Settlement Boundary for the proposed development.

**5. Representations**

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

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

- 5.2 One letter in support accompanied the application from Mr R F Batt, 28/30 Watling Street, Leintwardine, Craven Arms, Shropshire, SY7 OLW. This letter can be summarised stating that he and his wife Heather own and run the village shop and that the village needs small businesses which provide employment in the area in order to help it from becoming a retirement area only.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

**6. Officers Appraisal**

- 6.1 The application proposes change of use of land and erection of a workshop and office for a coach hire, business on land that is undesignated for any particular use and is located outside the recognised development limits of the settlement as stated in the Leominster District Local Plan.
- 6.2 The site is also within Flood Zone 3 as indicated on the Environment Agency's data maps and as such the Environment Agency has responded to the application with an objection stating that no flood risk assessment has been submitted in line with PPG25 – Development and Flood Risk and the Agency's Flood Risk Standing Advice (FRA), to ensure that the site can be development and occupied safely. They further state that the site is 'operational development' within Flood Zone 3.
- 6.3 Planning Policy Guidance Note 25 on Development and Flood Risk states with reference to proposed development in paragraph 20

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

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

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

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

**RECOMMENDATION**

**That planning permission be refused for the following reasons:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**12 DCNW2005/2608/F - RETROSPECTIVE PLANNING APPLICATION FOR CHANGE OF USE TO C2 RESIDENTIAL INSTITUTION, AT MILL COTTAGE, PAYTOE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0NB**

**For: Mr & Mrs D Parry Ltd, McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT**

**Date Received:**  
9th August 2005

**Ward:**  
Mortimer

**Grid Ref:**  
40975, 71336

**Expiry Date:**  
4th October 2005

Local Member: Councillor Mrs O Barnett

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

- 1.1 The location for the 'retrospective' change of use, is a former farmhouse known as 'Mill Cottage' situated in open rural countryside, the property's curtilage is adjacent to the C1017 public highway.
- 1.2 Mill Cottage is a Grade II Listed three storey structure of external stone and brick construction it has within its curtilage a car parking area that can accommodate in excess of 10 cars, as well as lawned areas and a small range of former agricultural buildings, of a traditional built form in a style representative of the dwelling subject to this application.
- 1.3 Adjoining the southern boundary of the application site are a range of modern farm buildings and a property known as 'The Grange', adjacent to this property is a site of an Ancient Monument (the former Wigmore Abbey).
- 1.4 The application seeks 'change of use' of the former farmhouse to a residential institution.
- 1.5 Presently in occupation of the dwelling are four children, these children are cared for by up to seven adult carers who are based on site, 24 hours a day, on a 'shift' rotational basis.

## **2. Policies**

### **2.1 Leominster District Local Plan**

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A18 – Listed Buildings and their Settings
- A22 – Ancient Monuments and Archaeological sites
- A24 – Scale and Character of Development
- A36 – New Employment Generating uses for Rural Buildings

- A45 – Diversification on Farms
- A54 – Protection of Residential Amenity
- A61 – Community, Social and Recreational Facilities
- A73 – Parking Standards and Conservation

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

- S1 – Sustainable Development
- S2 – Development Requirements
- S11 – Community Facilities and Services
- DR2 – Land Use and Activity
- H14 – Re-using previously Developed Land and Buildings
- H16 – Car Parking
- E11 – Employment in the Smaller Settlements and Open Countryside
- E12 – Farm Diversification
- T11 – Parking Provision
- HBA1 – Alterations and Extensions to Listed Buildings
- HBA3 – Change of Use of Listed Buildings
- HBA4 – Setting of Listed Buildings
- ARCH3 – Scheduled Ancient Monuments
- CF7 – Residential Nursing and Care Homes

## **3. Planning History**

- 3.1 NW2005/1741/L - Retrospective application for works carried out to include replacement windows, partition walls, cladding to rear and mill workings, perimeter fence and concrete store - Withdrawn 14th July 2005
- 3.2 NW2005/1736/F - Retrospective application for a boundary fence and lower ground floor store - Withdrawn 14th July 2005

## **4. Consultation Summary**

### Internal Council Advice

- 4.1 Traffic Manager: Has no objection to the grant of permission.
- 4.2 Environment Health Manager: No comments to make with regards to proposal.
- 4.3 Conservation Manager: No objections to the change of use.

## **5. Representations**

- 5.1 Border Group Parish Council's response states:

Firstly we would like to point out certain inaccuracies with regard to the attached letter from Mr Simon Rouse.

- a) To our certain knowledge the property has been used as a private dwelling within the last 12 years, by an employee of Mr Parry, the property owner.
- b) In our recent visit the sub-committee still observed vehicles parked on the verge outside the property.

c) Given that the building has a 'Listed' status we do not agree that it has been 'beautifully restored'. The exterior has evidence of unsuitable rendering and the use of 'breeze blocks, whilst the walls adjacent to the right hand entrance are in an extremely dangerous state.

We would trust that the sentence 'I am grateful that the Planning Department have indicated their willingness to support the application', is merely the outcome of an informal comment.

THE SUB-COMMITTEE after lengthy discussion proposed the following resolution:-  
'Whilst the Council as represented by this committee has real sympathy and understanding for the need for care homes for disturbed children it feels that the dwelling referred to is not suitable given its immediate environment. It therefore cannot support the application'.

Proposed by Mr A Scott and seconded by Mr M Oliver. Accepted by four votes to nil against.

1. Given that the use of the building is to care for children with special needs, its adjacency to buildings that are protected within the edict covered by sections A1, A22 and A25 of the Leominster District plan make it unsuitable.

2. No provision is made for these children to safely use outside facilities for recreation.

3. Mr Rouse in his letter indicates that the extra presence above a normal dwelling will be 'a MINIMUM of four children resident, and staff attending on a shift basis'. It is obvious that this will have an impact on the local community and environment in a number of ways:-

a) Intrusion on the privacy of local residents, especially the owners of the Abbey. Council members and the Clerk experienced verbal abuse from children at the rear windows as they walked up the path between the barn and Mill Cottage.

b) Increased use of a narrow lane by vehicles continually arriving and leaving due to 'shift' rota.

c) No evidence is given to show that the present services such as sewerage; water supply and waste disposal can accept this permanent increase in population. Water supply to the abbey building is already often unable to meet demand.

d) The Council accepts the degree of concern expressed by the local Paytoe residents and the lack of communication by Corvedale to allay their anxiety.

5.2 In support of the application the Managing Director, states that a maximum of four children are in residence at the property the letter further states that sufficient car parking spaces are provided within the site and that all vehicles to and from the property avoid the narrow lanes and approach from the Adforton direction. The landlord assures that the walls and roof on the barn adjoining the drive are safe. There is plenty of play space for the children and the company has the broadest adventure activities licence in the UK and upwards of 40 qualified instructors on the staff. Challenging physical exercise is provided every week which is linked to the childrens full time education provision at the registered school. The commission for Social Care Inspection have inspected the home, registered it and reported positively. Since the school, opened in December there have been about four visits from the police, these have been routine liaison or link to a child's failure to return to the property. The young people are well staffed and not unruly or out of control in any way.

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 for change of use only and not for any development on site and therefore should be considered on the merits for change of use only.
- 6.2 The application is retrospective for the change of use to a C2 residential institution.
- 6.3 The recent planning history of the site is somewhat complicated in that the site has been used as a 'Care Home' for a number of years (in excess of 10 years). Within the last 12 months the premises changed from a care facility for young adults with severe learning difficulties and mental ill health, under new management, into a residential care home for four children with emotional and behaviour problems.
- 6.4 The use for the latter is a planning 'change of use' due to staff attending on a shift basis and therefore the premises are not being used like a family unit.
- 6.5 The present use of the site is for the residential care of up to four children who live permanently on site, along with up to seven members of staff these change over on a shift basis.
- 6.6 The local Border Group Parish Council have stated that they cannot support the application stating concerns about the structural condition of the building in relationship to its listed status. This issue is not a planning issue with regards to the current application. The Conservation Manager is aware of issues of concern with regards to 'unauthorised modifications to the Grade II Listed Building', however, raises no objections to this application. The unauthorised development was subject to the previous planning applications that were withdrawn, pending resolution of the current unauthorised use.
- 6.7 The Parish Council concerns about lack of recreational provision for residents of the Care Home, amount of staff attending on a shift basis and impact on local residents by the existing use, such as amenity and access to the site are not shared by the Care Home Inspector or Highway Manager respectively.

## 6.8 Conclusion

The proposed change of use will have no detrimental impact on the setting of the listed building or upon the privacy and amenity of adjoining land uses. Adequate provision is provided in accordance with policy criteria for off-street car parking within the property's curtilage. Consequently the proposal is considered to comply with relevant policies.

## 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 - E10 (Use as approved by the planning application subject to this approval )

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

**INFORMATIVES:**

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

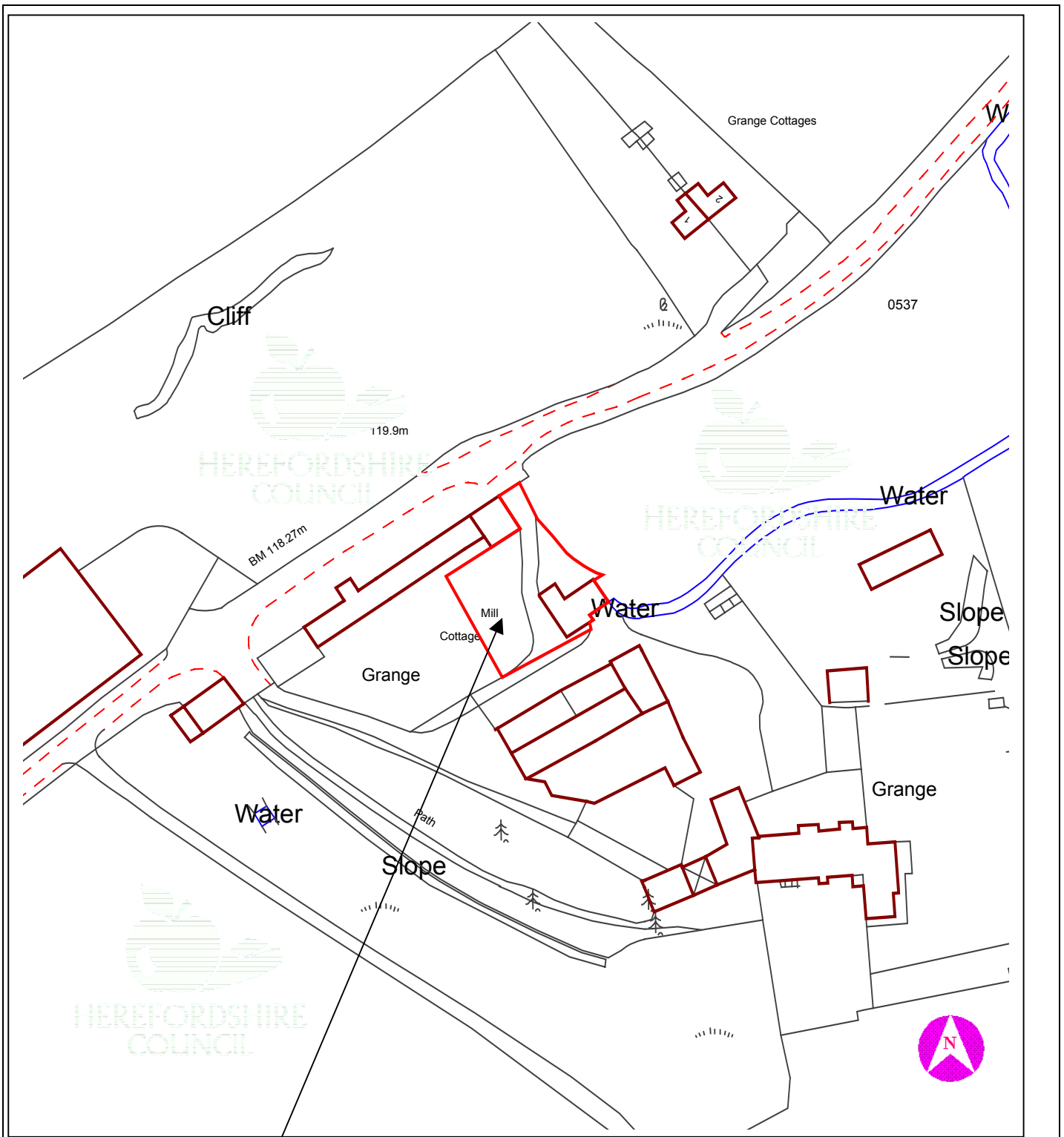
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNW2005/2608/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Mill Cottage, Paytoe, Leintwardine, Craven Arms, Herefordshire, SY7 0NB

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

**13 DCNC2005/0917/O - SITE FOR ERECTION OF A  
MAXIMUM OF 425 DWELLINGS, COMMUNITY  
BUILDING, VEHICULAR ACCESS, FOUL WATER  
PUMPING STATION AND ASSOCIATED WORKS AT  
BARONS CROSS CAMP, CHOLSTREY ROAD,  
LEOMINSTER**

**For: Taylor Woodrow Developments Ltd per RPS  
Planning & Environment 155 Aztec West  
Almondsbury Bristol BS32 4UB**

**Date Received:  
22nd March 2005**

**Ward:  
Leominster North**

**Grid Ref:  
47092, 58299**

**Expiry Date:  
12th July 2005**

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

**1. Site Description and Proposal**

- 1.1 This outline application relates to approximately 12 hec of land situated at the Barons Cross Camp and a further 6 hec of land required for drainage infrastructure purposes, largely to the south west of the camp, on the south side of the A44 Monkland Road. All matters other than access to the proposed residential development have been reserved for subsequent approval. However a Master Plan has been submitted which indicates the location for the housing and open space elements.
- 1.2 The proposal is for a maximum of 425 dwellings, 127 (30%) of which would be affordable dwellings, a 240 m sq community building and associated works. The vehicular access to the site is proposed via a new roundabout to be located opposite the existing junction onto the Buckfield Road on the Cholstrey Road (B4360).
- 1.3 The Masterplan indicates that sections of the development will follow the principles of Homezones, with the use of shared surfaces on adopted roads and tree planting in front gardens to improve the visual environment of the street, and assist in the reduction of traffic speeds through appropriate road design.
- 1.4 The drainage scheme includes a surface water attenuation area (dry pond) on agricultural land on the south side of the A44, adjacent to Roseland Cottage/Newtown Lane. In addition sustainable urban drainage methods are proposed, through the use of infiltration trenches within the main site.
- 1.5 The proposal includes 2.69 hec of public open space, the main play areas being on the northern part of the site and a central area. Four smaller areas are also proposed.
- 1.6 The application is accompanied by an Environmental Statement and other supporting documents including a draft development brief and public consultation statement.

## 2. Policies

### 2.1 Leominster District Local Plan

Policy L6 Barons Cross Poultry Units  
Policy A16 Foul Drainage  
Policy A17 Contaminated Land  
Policy A18 Listed Buildings and their settings  
Policy A22 Ancient Monuments and Archaeological sites  
Policy A23 Creating Identity and an Attractive Built Environment  
Policy A24 Scale and Character of Development  
Policy A30 Redevelopment of Employment Sites to alternative uses  
Policy A49 Affordable Housing  
Policy A53 Protection from encroachment into the countryside  
Policy A54 Protection of residential amenity  
Policy A55 Design and Layout of Housing Development  
Policy A61 Community, Social and Recreational Facilities  
Policy A64 Open Space standards for new residential development  
Policy A70 Accommodating traffic from development  
Policy A77 Traffic Management

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

Policy S2 Development Requirements  
Policy S3 Housing  
Policy DR1 Design  
Policy DR4 Environment  
Policy DR5 Planning Obligations  
Policy DR9 Air Quality  
Policy DR10 Contaminated land  
Policy H2 Hereford and the market towns: housing land allocations  
Policy H9 Affordable housing  
Policy H13 Sustainable residential design  
Policy H15 Density  
Policy H16 Car parking  
Policy H19 Open space requirements  
Policy T7 Cycling  
Policy HBA4 Setting of listed buildings  
Policy ARCH1 Archaeological assessment and field evaluations  
Policy ARCH6 Recording of archaeological remains  
Policy RST3 Standards for outdoor playing and public open space  
CF2 Foul Drainage  
CF5 New community facilities

### 2.3 Planning Policy Guidance Note 3: Housing

Planning Policy Guidance Note 13: Transportation  
Planning Policy Guidance Note 16: Archaeology and Planning.  
Planning Policy Guidance Note 23: Planning and Pollution Control.  
Planning Policy Guidance Note 24: Planning and Noise.

### 2.4 Supplementary Planning Guidance

Provision of Affordable Housing. March 2001, updated November 2004

### 3. Planning History

3.1 None

### 4. Consultation Summary

- 4.1 Environment Agency: In respect of the site drainage strategy, including infiltration trenches, porous paving and an attenuation pond for surface water run off, no objection subject to condition. In respect to pollution prevention measures require all surface water run off from parking areas and hardstandings to pass through an oil interceptor. All foul drainage to be discharged to the mains system (subject to Welsh Water approval). In respect to ground contamination an addendum to the Method Statement.
- 4.2 Welsh Water: Had originally objected due to infrastructure problems, but following agreement about contribution to the bringing forward of improvement works, require the imposition of a Grampian condition and other standard conditions. They also require the off-site pond to be adopted by the Council.
- 4.3 English Nature: No objection but comments about opportunity to enhance the ecological value of the site, including reference to the attenuation pond's potential for wildlife.
- 4.4 Countryside Agency: No response.
- 4.5 River Lugg Internal Drainage Board: On the basis that run off rates will be limited to current rates, through the use of the attenuation pond, no objection.

#### Internal Council Advice

- 4.6 Traffic Manager has no objection subject to conditions and to the contributions proposed, £1500 per dwelling through the S106 agreement towards off site mitigation/improvement measures. These are likely to include improved cycle provision, pedestrian crossings, safer routes to school proposals, and improved bus service/routing. It will also include the resiting of the pedestrian crossing adjacent to Bengry's Petrol Filling Station to a site adjacent to the staff car park entrance at the Nursing Home.
- 4.7 Conservation Manager: No objection but further comment will be made at the reserved matters stage in relation to landscape/ecological proposals. No adverse impact upon setting of listed building to the north of the site. Archaeologist has no objection but some additional recording work will need to be carried of the war time buildings and other ground works. This can be secured by the imposition of a condition.
- 4.8 Head of Environmental Health & Trading Standards comment as follows:

#### **Air quality**

A significant proportion of the residents from the 425 houses proposed at the Barons Cross Camp are likely to use the Bargates road, as this road is the only direct route into Leominster town centre, as well as to the main road links for the region.

As you are aware, Environmental Health & Trading Standards have been monitoring air quality along Bargates and are in the process of declaring an Air Quality Management Area (AQMA) at the Bargates/Dishley Road/Cursneh Road because

traffic is breaching the government set health related air quality objective for nitrogen dioxide here.

The revised information includes new data and assessment on air quality. Basically the difference is that air quality/traffic has been remodelled to show 2006 predictions for a new 'scenario 1' and 'scenario 2' option. Also the report includes 2008 predictions for the same 'scenario 1' and 'scenario 2'. I believe these dates have been selected to coincide with the various stages of housing construction.

Scenario 1 means the modelling assumes 10% increase in vehicle speeds along Bargates due to proposed improvements at the Bargates junction, presumably implemented by the developer via a section 106 agreement.

Scenario 2 means the modelling assumes 10% increase in vehicle speeds as well as a reduction in development related traffic by encouraging a modal shift from cars/vehicles from this new estate. I again presume this will be implemented by the developer via a section 106 agreement.

The 2006 predictions shows that pollution levels will reduce if there is a 10% increase in vehicle speeds due to proposed improvements at the Bargates junction, as per scenario 1. Likewise, it shows that pollution levels should drop slightly further if scenario 2's modal shift estimates are correct.

The 2006 predictions therefore imply that the pollution levels will be lower than the "do nothing" 2006 baseline + other committed developments in the area.

The 2008 predictions also imply that the pollution levels will be lower than the "2008 baseline + other committed developments in the area".

The modelling therefore shows that section 106 improvements to the Bargates junction combined with initiatives to encourage a modal shift should not increase pollution at Bargates. Therefore paragraph 6 of my memorandum to you dated 15<sup>th</sup> June 2005 appears to have been addressed, presuming of course that the model is correct.

However, I would still comment that this is only a model and therefore three months' monitoring should still be required after the various stages of housing development are completed to ensure that these predictions are correct.

If the predictions are not met and pollution increase over the baseline, I would encourage the section 106 to be worded to incorporate a clause requiring that further works are undertaken (whether to the junction or by implementing modal shift initiatives etc) until the Bargates junction is effectively improved to mitigate any increase in pollution above the baseline for that year without the Baron's Cross housing development. Again, monitoring to ensure this is met.

### **Construction Phase - Nuisance**

The mitigation measures proposed in the applicant's report seem fairly comprehensive and should ensure that nuisance arising from dust and smoke should be controlled. However, I would recommend that the following conditions is included:

- a. *"No burning on site shall be permitted during the construction phase"*

### Construction Phase – Noise

The Environmental Statement proposes both time constraints for noisy work and also maximum noise levels for the construction phase. I would recommend that the times constraints are put into a planning condition as offered below:

- b. *“No construction work/construction traffic from the proposed development which will be audible to the nearest residential property shall be permitted between the hours of 1800 to 0800 Monday to Friday nor before 0800 and after 1300 on Saturdays. No noisy work/ construction traffic audible to the nearest residential property shall be permitted on Sundays, bank holidays and public holidays. Prior consent from Herefordshire Council must first be obtained if construction work is proposed to fall outside these hours, for any event.”*

There are also statutory powers open to the Council, should other problems of noise arise during construction.

### Traffic Noise

The Environmental Statement also considers traffic noise in relation to:

- a. noise from traffic on the new estate affecting the new housing,
- b. noise from the B4529 affecting the new housing adjacent to this road

The Environmental Statement measures and predicts noise from the road systems and then compares the levels to the ‘Noise Exposure Categories’ offered in PPG 24 “Planning and Noise”. I confirm that their methodology appears satisfactory.

The report concludes that the noise generated from traffic on the estate will not adversely affect the new housing, provided that the facades are constructed no closer than 4m from the edge of the carriageway. I therefore presume that this will be taken into account should a reserved matters/detailed planning application be made.

The report then goes on to conclude that the noise generated from the B4529 is likely to have an impact on the new proposed housing, based on the ‘Noise Exposure Categories’ offered in PPG 24. The predictions show that even facades constructed as far away as 20m from the B4529 will still fall into the Noise Exposure Category “B”. This classification means that *“noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise”*. The application offers mitigation by way of earth bunds/barriers, orientation of buildings, façade attenuation and shielding. I therefore presume that this will be taken into account should a reserved matters/detailed planning application be made, but would make the point that we should encourage the mitigation to rely on distance separation and bunding/barriers rather than merely sound insulation, as this option will protect the amenity of the gardens and houses when windows are open.

### Industrial Noise from Existing Garage / Coach & Lorry Repairs

The Environmental Statement does not predict noise from the garage / lorry repair park adjacent to the site as it appears that the noise was not measured, although the report does accept that this type of land use can give rise to noise. However, the applicant argues that the existing housing adjacent to the garage has not been

adversely affected and therefore proposes that this will remain the case for the proposed adjacent housing development. I can confirm that Environmental Health & Trading Standards have historically received complaints from the existing housing about noise and fumes from this garage and therefore future complaints are probable from the new housing stock.

In view of the history of complaint, the close proximity of the proposed housing to the curtilage of the garage and the presumed lack of planning conditions regulating its operations, I have reservations about housing being constructed adjacent to the lorry park unless (as the report implies) the garage is to be sympathetically developed in the very near future as well. If there is a significant time lapse between the new housing and redevelopment of the garage, I would expect the reserved matters application to incorporate an adequate separation distance together with noise bunding and barriers (that can be removed later).

### **Noise from Proposed Pumping Station**

As the application suggests, I confirm that a noise level / noise attenuation scheme for this can be agreed should a reserved matters application be made.

With regard to the Contaminated Land Information taken from Volume 1 of the Environmental Statement which includes a Desk-study and Site Investigation by Hydrock Consultants dated September 2004. The report did not raise any major concerns regarding contaminated land.

However there still are a few uncertainties as the buildings are still present and further assessment should be undertaken once the demolition works commence to identify and deal with potential contamination sources, this may include works such as the removal of old fuel tanks and verification that the work has been undertaken. There should also be provision to deal with unexpected contamination that was not discovered during the first investigation and the requirement for the applicant to submit further reports for approval in these circumstances.

I would therefore recommend that the following conditions be applied:

1. A scheme to identify, investigate and assess the extent of any contamination on those areas of the site where buildings are to be demolished shall be submitted to and approved in writing by the Local Planning Authority.
2. Any contamination encountered during development works, which was not previously identified and is either from a different source or different type to that in the original approved survey shall be subject to a revised remedial measures which shall be submitted to and approved in writing by the LPA.
3. Any contamination encountered in development works in areas currently assessed to be free of contamination shall be subject to remedial measures which shall be submitted to and approved in writing by the LPA.
4. A completion report shall be submitted, confirming that no contamination was found, or identifying areas of contamination found during development works and verifying the remediation in accordance with the approved remedial measures.



- 4.9 Public Rights of Way Manager: The proposed development would not appear to affect public footpaths ZC28 and ZC34.
- 4.10 Education Department: We have no disagreement over the projected pupil numbers and capacities stated by the developer, however Ivington is not the provided school for Leominster (including the Barons Cross area). It serves its own catchment area, children attending from Leominster do so as a result of Parental Preference. It is difficult to build a third of a classroom by itself and this and the fact that pupils need access to the hall/library/ICT and toilets etc suggests that the contribution should be for one classroom, i.e. £80k-£100k, the LEA would deal with the ancillary facilities.
- 4.11 Forward Planning Section. Leominster District Local Plan designates the site under policy L6 advising that proposals for alternative uses on this site will be judged against other policies in the Local Plan. The draft UDP allocates the site for residential development under policy H2. The number of houses estimated being 360 based on 30 per hectare. 425 dwellings equates to 36 per hectare in line with PPG3.

Policy H19 requires provision of open space/play areas and requirement for community building including provision for early years education. The provision of 2.69 hectares of open space compares with the UDP requirement of 2.65 ha. (based upon average occupancy rates of 2.22 per dwelling in Leominster north).

Policy H9 seeks an indicative target of 35% affordable housing, the 30% proposed is therefore below that target. Objections to the UDP target have been made on the basis that on previously developed land the figure should be flexible to recognise potential for higher development costs. It is not considered that the nature of this site is such that costs should be exceptional.

The issue of prematurity has been considered but it is not considered that the development of the site would prejudice the outcome of the Development Plan process.

- 4.12 Strategic Housing consider that 140 affordable dwellings should be provided on this site, equating to 32.9%, based on a revised brief. The brief sets out the requirements for house sizes/types. In addition to the shortfall in number, it is also considered that the shared ownership, as well as the rental element should be to Scheme Design Standards (SDS).
- 4.13 Parks and Countryside calculate that the committed sum play for open space/areas is in the order of £248k, plus 3% inflation costs built in for the first year, with subsequent inflationary rises thereafter for the 10 year period. Despite consolidation of open space since previous drafts, the proliferation of small areas of POS adjacent to residential blocks is still a cause of concern. The potential for nuisance ball games and antisocial behaviour remains.
- 4.14 Community Development Officer is currently investigating cost of provision and maintenance of the proposed community building, together with potential users of the facility.

## 5. Representations

- 5.1 Leominster Town Council: 'Recommends approval, but express the following concerns:

- the increase in traffic flow would increase the level of air pollution (NO<sub>2</sub>) in The Bargates (Bengry's Garage area) where levels are already a cause of concern. This is particularly hazardous for people with asthma.
- access into the proposed estate is unsatisfactory. The siting of the roundabout would be better placed either further east or further west of the proposal.
- there should be adequate controlled lighting, taking into account the issue of light pollution and safety of the public.
- the Development Plan designates this as a site for 360 houses. This plan is for a maximum of 425.

The Town Council would also add comments with regard the comments with regard to the community facility, which, as shown on the plans is rather small. It would suggest that the old H-shaped building, the former Officers' Mess, be retained as a community building and to retain the memory and trace of war usage.

The Town Council would be interested in purchasing adjacent land in order to provide allotments for the town. One of the uses for this community building could be to provide services associated with allotments and the development could provide access and water.

It is understood that the developers are interested in taking on a community project and Town Council would be pleased to enter into discussions with the developer in this regard.'

5.2 Leominster Civic Trust remain deeply concerned that no development brief has been provided by the County planners to guide the developers. The public consultation conducted by the developers are no substitute. Was consultation carried out with local dentists or pre-school nursery providers? Consider that priority to cyclists and pedestrians is not achieved by a road crossing and roundabout. How can heavily used access road into Leominster, suffering substantially from air pollution, cope with increased volume in traffic with little more than adjustment to the existing traffic lights? Highest standards should be set for environmentally friendly housing as laid down in the SPG Design and Sustainability.

5.3 Ramblers Association: No objection, but make suggestions.

5.4 Letters of objection have been received from:

Mr Holliday, 9 Far Meadow Road  
Mr Barker, 26 Far Meadow Road  
Mr Jessop, Ebnal Farm  
Mr Wellings 169 Bargates  
Mr R Oliver, 118 Godiva Road

Summary of objections:

1. bus routed through existing estate, roads too narrow.
2. traffic concerns associated with bus use.
3. Bluegate Ave already prone to flooding
4. too few parking spaces will be provided
5. unable to access garage due to position of bus gate
6. disturbance from additional traffic at this point
7. bus route used as short cut

8. pedestrian safety
  9. 425 houses in excess of 360 proposed in UDP.
  10. Noise form POS on north part of site. This land is not previously developed land and should not be included in assessing density.
  11. Traffic congestion and safety problems along Bargates, should be deferred until by pass issue resolved.
  12. Rat running along Ginhall Lane.
- 5.5 Barons Cross Camp Preservation Group suggest preservation of the former officers' mess H block for potential community use, as well as to provide a historical record of the site. They advise that a number of local groups have expressed an interest in such a facility, including Army Cadets, ATC, Red Cross and pre-school nursery groups.
- 5.6 Mr H Tuck (historical film producer/director) has responded in relation to the historical importance of the site. He states that his interest is in saving part of the structure that exists for the historical benefit of the Leominster community:
- 'I have approached several members of the wider Leominster community with a view towards this preservation. There seems to be a very real sense of excitement at the chance to preserve and use some of the buildings on the site. I understand that there will be a need for a community resource on the site, and therefore this represents an ideal opportunity to examine the reality of my/our proposals. Two of the most significant buildings on the site are the former Officers' Mess and Club, located in the north-eastern part of the site (as you look from the gate, next to the water tower). These buildings are in a remarkably decent state of repair considering the passage of sixty years, and would be an ideal conversion project.
- I have acted as an Historian and adviser on a number of preservation projects across the UK, mostly world War Two buildings, and again mostly with developers and English Heritage. Whilst I fully realise the constraints of the planning application, I do feel that there is reasonable scope, with the support of the community, to save part of the former camp.'
- 5.7 Mrs E Passey of The Crossway Cottage, Kington, also supports retention of part of the camp, for historical, architectural, cultural and environmental reasons.
- 5.8 In support of the application a considerable volume of information has been submitted. This includes the Environmental Statement main document, summary and technical appendices. A supporting statement has also been submitted together with a draft development brief, which sets out the design vision for the site, a public consultation statement, together with subsequent updates following various meetings and discussions with officers and in responses to other issues raised, particularly with regard to affordable housing.

In respect of the proposed community building the agent advises:

The size, scale and location of the proposed community building has been guided by policies contained within the emerging Herefordshire UDP and by community consultations undertaken to date. The size and scale of the building is considered appropriate given its location and physical relationship to Leominster town centre and other key community facilities in the town such as the nearby Bridge Street Sports Centre, which is designed and used as a multi-use community facility. The community building should therefore serve as a facility for the immediate existing residential community but primarily for the new residential community at Barons Cross Camp. It is

considered that any significant expansion of the community building itself in the wider community would have a detrimental impact on highways and parking in and around the site.

Following recent local press reports relating to the former Officers Mess building Taylor Woodrow and colleagues met with Mr Howard Tuck who has expressed a desire to retain it as an alternative proposal for the community building. Following some discussion, Taylor Woodrow has taken the view that the location, condition and configuration of the Officers Mess building would not make it suitable for an alternative community building. A structural survey has been undertaken of the building and has found that it would not be practical or economically viable to re-use the building for community use. A purpose-built community building will be provided in a central location to serve the new development and adjacent communities. During our meeting with Mr Tuck we proposed a number of measures to preserve the heritage of the site, which we would be happy to discuss further.

In terms of developer contributions, the following information has been provided:

### **S.106 Agreement – Heads of Terms**

The developer is prepared to enter into a legal agreement with the Local Planning Authority covering the following matters:

#### **Affordable Housing**

30% of the units on the site shall be provided as Affordable Housing. Based on 425 units, this would be 127 units of which 99 would be affordable housing available for rent and the remainder would be made available on a shared equity basis.

Details to be agreed.

#### **Education**

A contribution of £80,000 will be made by the developer towards the replacement of temporary classrooms at Leominster Infants School to address the educational impacts arising from the development.

Details to be agreed.

#### **Highways and Public Transport**

- contributions (£1,500.00 per unit) will be made to address the highway and public transport impacts arising from the development. Contributions would cover:
- necessary off-site highway improvements
- facilitation of bus routes linking the development to employment centre, schools and the town centre
- improvements to public transport and sustainability infrastructure
- provision of cycle and pedestrian links between the site and the town centre
- contributions would be based on an agreed amount per dwelling and would be paid in instalments

In addition, the developer will make a contribution towards funding a Traffic Regulation Order to promote a bus/cycle/emergency only access between the end of Far Meadow

Road nearest the site and the development to prevent general vehicular access being taken through the site.

### **Public Open Space**

Areas shown on the Masterplan shall be laid out as open space in accordance with a timetable to be agreed. Areas would be maintained following laying out and then offered for transfer to the Local authority. A financial contribution of £248,000 for a 10 year maintenance contract will be made. This sum includes 3% increase in inflation costs for first year. The contribution will be increased in subsequent years in line with RPL. Additional sum required for adoption of infiltration ditches within play area.

Play areas on-site would be facilitated as follows:

- 4 LAPS
- 1 enhanced LEAP
- kickabout space

### **Community Building**

The developer will reserve a site in the location shown on the Masterplan for a community building. This site will be reserved for an agreed period during which the developer will transfer it to the Council at their request in the event that the Council enters into a contract to construct a community building prior to which the Council shall seek the prior written consent of the developer to the external appearance and design of the building. On the date of transfer the developer shall make a contribution of £160,000 towards the cost of construction.

In response to concerns raised by Strategic Housing, the developer has responded as summarised below:

- 1) The provision of 127 affordable units is 30%, the Council's SPG (35%) is not in line with the currently adopted Leominster District Local Plan.
- 2) Leominster Housing Needs Survey March 2004, identifies a requirement for 140 affordable dwellings over the next 5 years. 127 on Barons Cross Camp plus 17 at Ridgemoor Road plus 10 from the adjacent garage site exceeds the survey need.
- 3) 28 shared ownership houses has been agreed with the RSL partner.
- 4) 2 bed 3 person units are not within Taylor Woodrow's range and not supported by the Housing Corporation. We suggest we continue with 2 bed 4 person dwellings.
- 5) Ground floor flats are seen as suitable alternatives to bungalows.
- 6) RSL is happy with the mix of sizes, but we can provide 8, 1 bed units instead of 6, by deleting a 2 bed house.
- 7) The Housing Corporation cannot insist that non-grant funded units should be designed to SDS.
- 8) Circular 6/98 has not yet been replaced.

The Environmental Statement and subsequent amendments thereto submitted with the application considers the following issues; alternative sites, policy context, socio-economic assessment, transportation, noise and vibration, ecology, land and soils, hydrology and drainage, air quality, light, landscape and visual impact, archaeology and built environment and services. The Statement sets out, inter alia, the methodology for the assessment of the impact of the proposal in each of these sections, the assessment itself, policy context and the mitigation measures proposed.

In respect of the Home Zone element, this will not now be a formal provision but that those areas so identified on the plan will incorporate the principles with the use of shared surfaces on adopted roads and tree planting in front gardens to improve the visual environment of the street and to assist in the reduction of traffic speeds through appropriate road design.

- 5.7 The full text of the representations and supporting documentation 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 housing site is identified in the Leominster District Local Plan (LDLP) at Policy L6, Barons Cross Poultry Units, and relates to the potential upgrading of those units for continued intensive poultry use. Alternative uses are to be judged against other policies in the LDLP, in particular Policy A1.
- 6.2 In the deposit draft Unitary Development Plan (ddUDP), Barons Cross Camp is one of a number of sites identified for residential development, with an estimated capacity of 360 dwellings. 240 of these to be completed by 2006, the remaining 120 by 2011. The target for affordable housing is 126 (35%). The site is described as 'the largest proposed housing site in the north of the county, and should be developed on a comprehensive basis'. It advises that 'the local highway network, and in particular traffic flows around the Dishley St/Bargates junction, are subject to capacity constraints, with related issues in terms of air quality on the A44/Bargates corridor. Development of the site will require transport measures to be put in place including junction enhancements, highway safety improvements, public transport provision and pedestrian and cycling measures. Subject to the nature of the transport measures put forward and to the resulting capacity of the local road network, it may be necessary to limit development on the site within the plan period through a phasing approach'. In this way, it suggests 'completion would be achieved in conjunction with significant improvements to the highway system, likely to include new road infrastructure to which the relevant stage of the scheme would be required to contribute'. It refers to the Leominster Zone of Interest, ref. Policy T10, for a road linking the A44 at Barons Cross to the B4361 Hereford Road.
- 6.3 Consequently, the onus lies with the developer to demonstrate that the existing network, subject to any improvements which can be carried out can cope not only with the initial phase of 360 dwellings but up to the 425 currently proposed. Negotiations, which have included the Transportation section and the developer appear to have achieved this.
- 6.4 These measures include extending cycle route facilities through Buckfield Road to Ginhall Lane, then via Green Lane into the town centre, a possible cycle route along the A44 via Ropewalk Avenue, to the schools, pedestrian crossings and enhancement of the bus service. These measures form part of the developer's contribution, via S106

- agreement or S278 highway agreement. Significantly, the resiting of the pedestrian crossing allows for a rephrasing of the traffic lights to reduce vehicle waiting times, with a subsequent benefit to air quality.
- 6.5 The policy goes on to set out the requirements of a development brief for the site, which should include transportation measures, affordable housing, open space provision, landscaping and inclusion of community facilities (including nursery accommodation). It is also noted that development of the site is constrained by the capacity of the public sewerage system.
- 6.6 The LDLP does not set a % figure for affordable housing, but advises that sites over 1 ha will be assessed to determine their suitability related to the housing need for the settlement. The Leominster Housing Needs Survey suggests 143 units are required, and that 140 units of these be provided at Barons Cross Camp. The developer points out that the figures estimated in the ddUDP for other sites also available mean that adequate provision is made on this site.
- 6.7 The SPG Affordable Housing, March 2001, updated Nov 2004, refers to the existing development plans, for this site LDLP, and to the emerging ddUDP. The current version of the SPG has revised the original requirement of 36% to 35% in line with the ddUDP. However, given the objection to the affordable housing policy in the ddUDP more weight must be given to the current adopted plan, requirement 30%, which this proposal meets.
- 6.8 Another element of concern from the Strategic Housing section relates to the 'quality' of the housing provided. At issue are the 28 shared ownership units, which they consider should be to SDS. The developer's view, as confirmed recently during a training seminar, is that the Council is in no position to insist, where no grant funding is provided, as in this case.
- 6.9 Policy A64 of LDLP sets out the requirement for open space/play areas. Policy RST3 ddUDP has slightly lower standard. On an average occupancy rate of 2.22 persons per dwelling (based on average household size in the ward, Census 2001), the provision in the Master plan slightly exceeds the requirement with 2.69 ha per 1000 population compared to 2.65 ha. The Parks and Countryside section, whilst generally satisfied with the proposal and contribution towards maintenance, point out concerns about children playing close to housing. Whilst the concern is based on experience, play space for younger children should be provided close to home where general supervision/observation is available.
- 6.10 The proposal includes for a community building measuring 20m x 12m, and a contribution of £160k towards its construction. Further advice is being sought re potential users of the building and some one to take on the responsibility for and maintenance of the building. Further comment on the suitability of the contribution will be provided at the meeting. To date there are no indications that a nursery facility is required. It is anticipated that the facility would be multi-purpose use and it has been suggested that it could include an interpretation element of the site's former military use.
- 6.11 Air quality at the Bargates junction is another of the limiting factors on the development of the site. A comprehensive report of the issue is set out in the EHO response.

- 6.12 Whilst the ddUDP indicates a zone of interest for a potential alternative route, this is beyond the plan period of 2011. Other measures identified as alternatives have been referred to in that response and include pollution monitoring over and above measures already proposed by the developer.
- 6.13 Policy DR9 ddUDP refers to air quality and rightly points out that this is a material planning consideration. The imminent declaration of the Bargates area as an Air Quality Management Area reinforces this point. The main way, if not the only way to improve air quality is to reduce emissions. Mitigation measures proposed to do so have been submitted through discussion with the Transportation Section and appear to satisfy the requirement.
- 6.14 Policies relating to foul drainage require connection to the public sewerage infrastructure where possible. In this instance, improvements are required which, following agreement between the developer and Welsh Water (WW) will be carried out as part of the Capital Improvements works by WW, funded in part by the developer. Occupation of the dwellings will not be permitted until this work has been completed (or 31 March 2008 whichever is the sooner).
- 6.15 Policy DR4 ddUDP refers to the implementation of Sustainable Urban Drainage techniques. Such measures include the use of permeable surfaces, and infiltration trenches. As part of this application the developer additionally proposes the use of a 'dry pond' on a site to the south west of the housing, along the Monkland Road. This would allow water to be stored at times of high flow, to then be released at a controlled rate to the local water courses.
- 6.16 This 'dry pond' is to be adopted as part of the Section 38 agreement.
- 6.17 A number of concerns have been expressed by local residents as set out in para 5. In part, they relate to the proposed bus route, which will enter the site via Far Meadow Road. This is to be designed to prevent private car access, but not emergency vehicles, and will be wholly within the site so as not to interfere with private garaging and parking in this location. Traffic congestion issues and pedestrian safety issues are dealt with through off-site works previously described. Additional rat running through Ginhall Lane is not considered to be likely, nor through Buckfield Road. If this becomes evident, additional measures will need to be considered.
- 6.18 The Civic Trust is particularly concerned about the lack of a Council approved brief for the site. The developer has prepared a draft brief, taking into account all the matters and more referred to in para 5.4.18 of the ddUDP, and following many meetings with officers in advance of the submission. This brief indicates a comprehensive approach to the development of the site and avoids the problems associated with piecemeal development of such large areas.
- 6.19 Since this is an outline application, issues such as amenity of existing residents will be considered at the reserved matters stage. However, the indicative information contained in the Masterplan and brief do not give cause for concern at this stage. Residents will, of course, have further opportunity to comments at the detailed stage.
- 6.20 Interest in the military buildings on site has recently been raised and the matter discussed with the developer. At this late stage in the formulation of the plan they do not wish to amend the lay-out to enable the Officer's Mess building to be retained. They consider that the buildings are in a poor state of repair and not economically



capable of conversion to community use. It is also in an inappropriate location on the edge of the site. A full archaeological record will be made.

- 6.21 There are a number of listed buildings within close proximity of the site, Ebnall Farm immediately to the north and Stagsbatch to the west. It is not considered that the proposal will have a detrimental impact on the setting of those buildings. There are no archaeological constraints beyond recording the site.
- 6.22 There are no concerns relating to ecological issues, though there will be an opportunity to enhance habitats at the detailed stage.
- 6.23 The implications of the development and the issues set out in the Environmental Statement, as amended, have been fully considered, it is concluded that on balance, the proposal can be supported. Since the proposal constitutes a departure from the current adopted Leominster District Local Plan, the intention to approve would need to be notified to the ODPM. Subject to the application not being called in, the following will apply.

## 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 with regard to Affordable Housing, Education, Transport, Public Open Space and Community Building and any additional matters and terms as she considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to officers be authorised to issue planning permission subject to the following conditions:**
  - 1 - **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 – **H17 (Junction improvement/off site works)**  
**Reason: To ensure the safe and free flow of traffic on the highway.**

6 - H18 (On site roads - submission of details )

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

7 - H19 (On site roads - phasing )

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

8 - H20 (Road completion in 2 years or 75% of development )

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

9 - H21 (Wheel washing )

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

10 - H26 (Access location ) (from Cholstrey Road only)

Reason: In the interests of highway safety.

11 - H27 (Parking for site operatives )

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

12 - H29 (Secure cycle parking provision ) (one space per bedroom)

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.

13 - None of the buildings hereby approved shall be occupied until either the essential improvement works to the public sewerage system has been completed by the sewerage undertaker or 31 March 2008, whichever is earlier, and this has been confirmed in writing by the Local Planning Authority.

Reason: To ensure the development is effectively drained and that the existing hydraulic overloading of the public sewerage system, which causes sewage flooding is not worsened.

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

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

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

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

- 16 - No land drainage run-off will be permitted to discharge to the public sewerage system.

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

- 17 - No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Local Planning Authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site (54 litres per second). The scheme shall be implemented in accordance with the approved details (including drainage strategy 50529/500 rev c), unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency.

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

- 18 - Prior to the commencement of development, details of the construction and design of the attenuation pond, as shown on plan 101 rev d, including volumes, contours and habitat/landscaping features, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the attenuation pond is sized to cater for the 1 in 100 year storm period (green field run-off rate of 54 litres/second for the site) and includes biodiversity/habitat features.

- 19 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

- 20 - F25 (Bunding facilities for oils/fuels/chemicals )

Reason: To prevent pollution of the water environment.

- 21 - All foul drainage from the development shall be discharged to the mains foul sewer.

Reason: To provide a sustainable foul drainage system and prevent pollution of the water environment.

- 22 - If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the development has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.**

**Reason: To ensure that the development complies with approved details in th interests of protection Controlled Waters.**

- 23 - D02 (Archaeological survey and recording )**

**Reason: A building of archaeological/historic/architectural significance will be affected by the proposed development. To allow for recording of the building during or prior to development. The brief will inform the scope of the recording action.**

- 24 - No burning on site shall be permitted during the construction phase.**

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

- 25 - No construction work/construction traffic from the proposed development which will be audible to the nearest residential property shall be permitted between the hours of 1800 to 0800 Monday to Friday nor before 0800 and after 1300 on Saturdays. No noisy work/construction traffic audible to the nearest residential property shall be permitted on Sundays, Bank Holidays and public holidays. Prior consent from Herefordshire Council must first be obtained if construction work is proposed to fall outside these hours, for any event.**

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

- 26 - A scheme to identify, investigate and assess the extent of any contamination on those areas of the site where buildings are to be demolished shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure that potential contamination of the site is satisfactorily assessed.**

- 27 - A completion report shall be submitted, confirming that no contamination was found, or identifying areas of contamination found during development works and verifying the remediation in accordance with the approved remedial measures.**

**Reason: To ensure that potential contamination is removed or contained to the satisfaction of the Local Planning Authority.**

28 – Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development falling within Class A of Part 2 of Schedule 2 to that order (ie the erection, construction, maintenance, improvement or alteration of a gate, fence or wall or other means of enclosure) shall be carried out to any dwelling that fronts onto an area designated as ‘Home Zone’ on the Masterplan approved under this planning permission unless, upon application, planning permission is granted for the development concerned.

Reason: To ensure the integrity of the design of this part of the site is maintained.

29 - The development hereby permitted shall be carried out in accordance with the Masterplan and in accordance with a phased programme to be submitted to and approved in writing, prior to the commencement of any development, by the Local Planning Authority.

Reason: To ensure that development proceeds in line with capacity constraints.

30 G02 (Landscaping scheme)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

31 G03 (Implementation of landscaping scheme)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

32 Air quality monitoring for nitrogen dioxide shall be undertaken for a minimum of 3 months following completion of the junction improvements at Bargates. Monitoring shall be undertaken utilising real-time chemiluminescent techniques, at a location to be agreed with the Local Planning Authority.

Reason: In order to measure the impact of the development against pollution targets.

**Informatives:**

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

2 – This permission is granted pursuant to an agreement under section 106 of the Town and Country Planning Act 1990.

3 - Highway notes

3) 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.

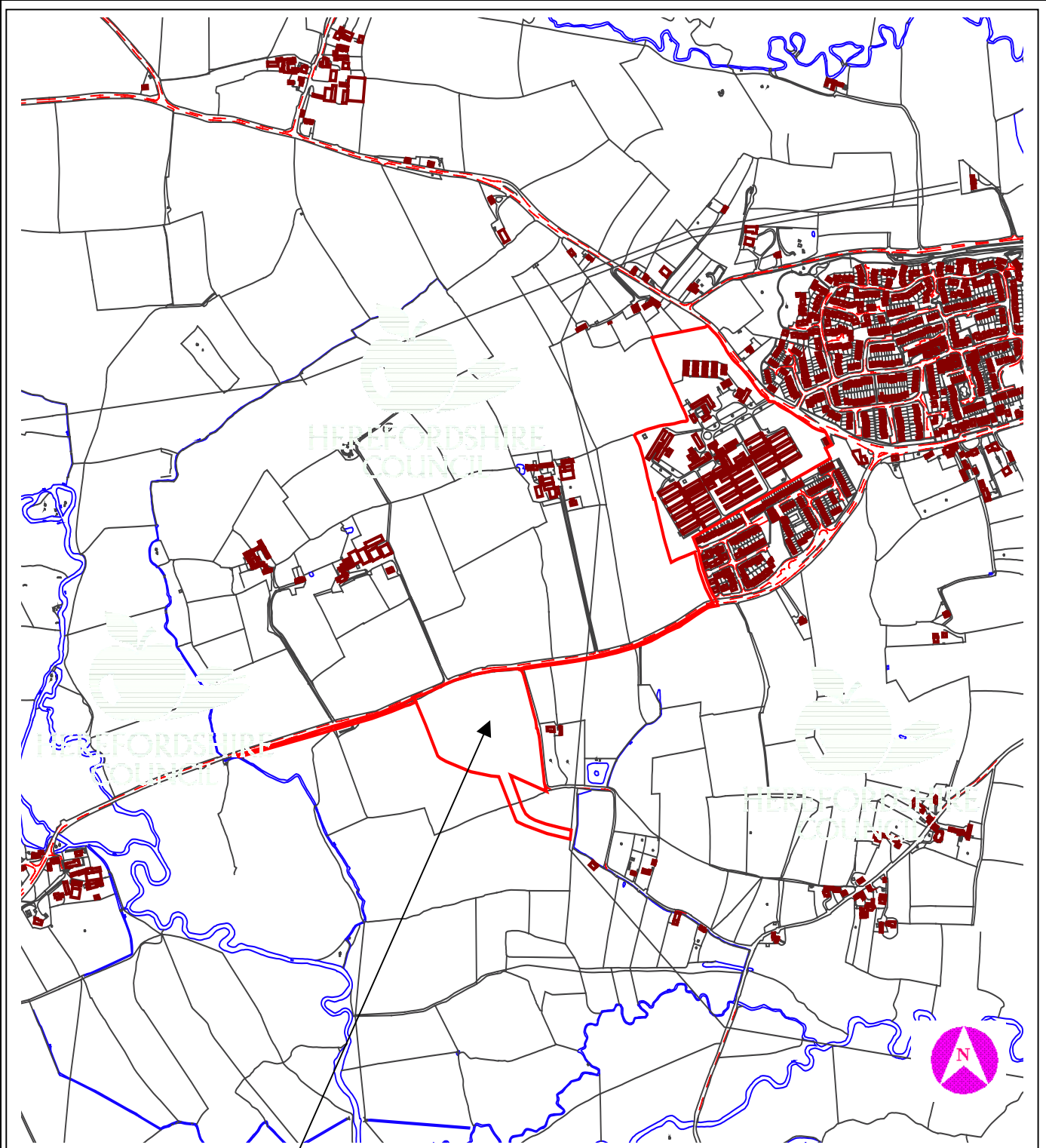
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNC2005/0917/O

**SCALE :** 1 : 12865

**SITE ADDRESS :** Barons Cross Camp, Cholstrey Road, Leominster

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005





**14 DCNC2005/2362/F - DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DWELLING GLENDALE, LITTLE TEDNEY, WHITBOURNE, WORCESTER, HEREFORDSHIRE, WR6 5RX**

**For: Mr & Mrs Poultney per Mr Coombes Ivan  
Coombes Associates Vine Lodge Salop Street  
Bridgnorth Shropshire WV16 5BH**

**Date Received:**

**15th July 2005**

**Expiry Date:**

**9th September 2005**

Local Member: Councillor T Hunt

**Ward:**

**Bringsty**

**Grid Ref:**

**72126, 58181**

**DT/CR**

**1. Site Description and Proposal**

- 1.1 Glendale an unprepossessing 1950's bungalow with flat roofed dormer windows to the front elevation and lean-to glass house extension on the western elevation is located on the west side of the narrow unclassified 65027 road that leads to Tedney House. The site is located in open countryside designated as being of great landscape value. The roadside and western boundaries of the site are defined by 2 metre high leylandii hedges. Ford Cottage is to the southwest.
- 1.2 This application proposes a replacement dormer style dwelling that will accommodate lounge, entrance hall, kitchen/dining room, study and utility on the ground floor with 4 bedrooms, bathroom and en suite bathroom above. The replacement dwelling will cross the footprint of the existing building.

**2. Policies**

Malvern Hills District Local Plan:

Housing Policy 4: Development in the Countryside

Landscape Policy 1: Development Outside Settlement Boundaries

Landscape Policy 3: Development in Areas Of Great Landscape Value

Hereford and Worcester County Structure Plan:

H20: Housing in the Open Countryside

CTC2: Development in Areas of Great Landscape Value

CTC9: Development Criteria

Herefordshire Unitary Development Plan (Revised Deposit Draft):

H7: Housing in the Countryside Outside Settlements

LA2: Landscape Character Least Resilient to Change

PS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

**3. Planning History**

None

**4. Consultation Summary**Statutory Consultations

4.1 No statutory consultees

Internal Council Advice

4.2 Traffic Manager: No objection

**5. Representations**

5.1 Whitbourne Parish Council: No Objection

5.2 Letter of objection received from Mr Larkin, Ford Cottage, Whitbourne

(a) It is not comparable in size with the existing building

(b) It will be more obtrusive

(c) The proposal has no architectural merit and will have an adverse impact on the landscape

(d) Loss of privacy

(e) A magnolia tree of merit will need to be removed

(f) Insufficient information has been provided to the suitability of the existing septic tank to serve the proposal

(g) The existing septic tank overflows onto adjoining highway and enters into adjoining neighbours watercourses

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 site is located in open countryside where there is a presumption against house building taking place unless it meets one of the identified exceptions identified listed in Housing Policy 4. This includes replacement dwellings provided comparable in size with an existing building with established residential use rights.

6.2 This proposal is for the replacement of a 1950's bungalow that has established residential use rights. In terms of the replacement policy its redevelopment is considered acceptable. The application proposes to site the building across the existing footprint of Glendale. The building in this position is considered acceptable. The Malvern Hills District Local Plan does not give a definition of comparable in size however this replacement dwelling will be approximately 1.5 metres higher than the existing dwelling. While it is acknowledged that the dwelling will be bigger than the existing the appearance of the new dwelling is considered to be an improvement on the existing one. It is not considered that the proposed replacement dwelling will cause significant harm to the acknowledged visual qualities of the area. Neither is it considered that the proposal will give rise to loss of residential amenity to Ford Cottage which is further to the southwest.

6.3 Consequently the proposal is considered to comply with policy.

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

**Reason: To keep any future development under planning control.**

**Informative:**

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

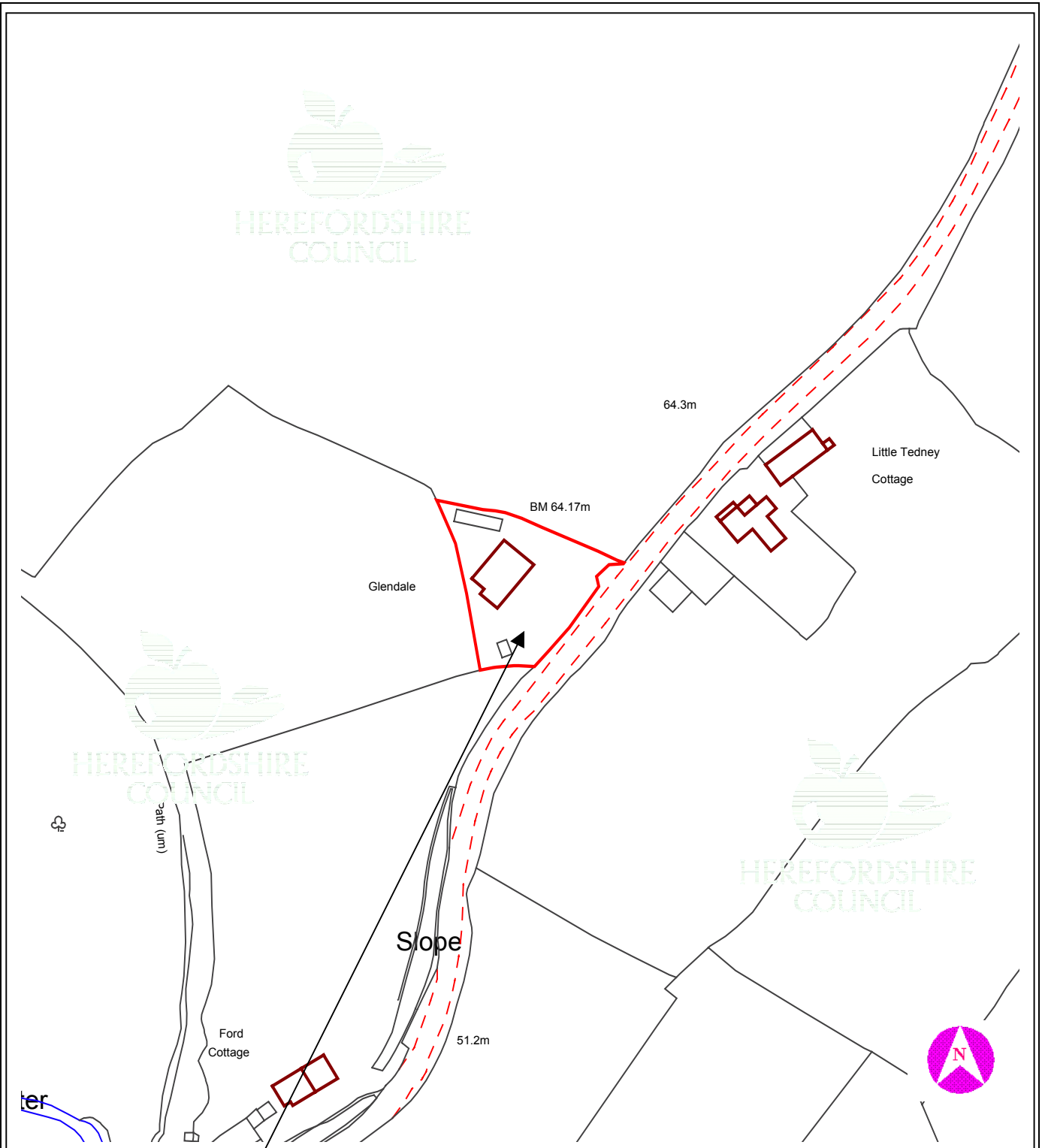
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNC2005/2362/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Glendale, Little Tedney, Whitbourne, Worcester, Herefordshire, WR6 5RX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

**15 DCNC2005/2480/F - CHANGE OF USE FOR FRONT SECTION OF GROUND FLOOR FOR USE AS A LICENSED RESTAURANT AT 18 BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE**

**For: Leominster Properties Ltd per James Morris Associates Stocks Tree Cottage Kings Pyon Herefordshire HR4 8PT**

**Date Received:**  
28th July 2005

**Ward:**  
Leominster South

**Grid Ref:**  
49529, 59113

**Expiry Date:**  
22nd September 2005

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 18 Burgess Street is located within Leominster's Central Shopping and Commercial Area and within the Conservation Area.
- 1.2 This application proposes to change the use of the front section of the ground floor of this new vacant unit for use as a licensed restaurant.
- 1.3 The property is part of a new mixed development, incorporating eight residential flats and two commercial units, originally intended for use as retail outlets.
- 1.4 The property is accessed from Burgess Street and via the passageway to the east side of the building, which leads to the rear of the Job Centre.
- 1.5 Burgess Street offers both a mix of residential and commercial uses, including solicitors, hairdressers, retail units, residential and two restaurants, one of which provides a takeaway service.

**2. Policies**

**2.1 Leominster District Local Plan**

A1 – Managing the District's Assets and Resources  
 A21 – Development within Conservation Areas  
 A28 – Development Control Criteria for Employment Sites  
 A31 – Employment Generating Uses within or around The Market Towns  
 A32 – Development within Town Centre Shopping and Commercial Areas  
 A54 – Protection of Residential Amenity

**2.2 Hereford and Worcester County Structure Plan**

CTC 9 – Development Criteria

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

TCR1 Central Shopping and Commercial Areas  
TCR2 Vitality and Viability  
HBA6 New Development in the Conservation Areas

**3. Planning History**

90L89 – Redevelopment and refurbishment of site to provide residential and commercial premises for let with associated access and parking on site between New Street and Burgess Street, Leominster. Approved 18.1.1991.

**4. Consultation Summary**Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager – No objection.

4.3 Conservation Manager – No objection.

4.4 Environmental Health Manager – Recommends a scheme of noise attenuation measures and that the applicant contacts the Food Safety Team of the Environmental Health Department to ensure the building complies with the requirements of the Food Safety Act 1990 and related regulations.

**5. Representations**

5.1 Leominster Town Council – Recommends approval.

5.2 Two letters of objection received from residents at 20 and 22 Burgess Street, Leominster, expressing concerns regarding the following:

Restaurant opening hours  
Potential food smells from extractor fans  
Parking  
Litter  
Noise

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 change of use of a new building originally proposed as a retail unit for use as a restaurant (A3). The application does not indicate a takeaway use (A5) and therefore under the 2005 Use Class Order, further permission would be required for such a use.

- 6.2 The building is located within the Central Shopping and Commercial Area of the town where policies in the local Development Plans support commercial uses. Burgess Street, although within the defined shopping area, is not allocated as having a Primary Shopping Frontage nor is it within a Principal Shopping Street, therefore there are no restrictions concerning the number of A3 uses (for the sale of food for consumption on the premises) within the street. Burgess Street currently has two eating establishments, one an Indian Restaurant with takeaway facilities and the other a café with daytime opening hours. Both properties are located with a few yards of the application site.
- 6.3 Burgess Street is defined by distinctive mixed uses in accordance with sustainable development policies. By providing A3 uses within the town centre, it is hoped to encourage activity outside shopping hours, bringing life back into the town centre after dark. Potential problems such as noise can be minimised by ensuring that sufficient noise attenuation measures exist. The property is a new build and would have been constructed to high standards. The Building Control Officer for Leominster advised that Sound Testing was still required on the property and that an appropriate level of sound insulation would be required to comply with Part E of the Building Regulations. With regard to food smells from the kitchen, a condition is suggested to ensure that Environmental Health approve the proposed extraction and ventilation units.
- 6.4 Parking provision would be available to customers in the adjacent Central car park and with double yellow lines along Burgess Street, parking should not cause problems to local residents.
- 6.5 The issue of potential litter problems is not a material planning consideration.
- 6.6 The concern of the third parties has been taken into account and it is considered that the amenity currently enjoyed by the occupants of adjacent dwellings would not be diminished due to strict control of potential noise from within the restaurant and of fumes and smells from the kitchen.
- 6.7 It is considered that the proposed use is appropriate to the location and the proposal should be supported.

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

**Reason: To safeguard local amenities.**

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

from any fixed ventilation, refrigeration or other plant in accordance with BS4142.

Reason: To safeguard local amenities.

8 - E04 (Restriction on hours of opening )

The use hereby permitted shall not be open to customers outside the hours of 8.00 am and 11.00 pm Sundays to Thursdays and 8.00 am and 12.00 midnight Fridays and Saturdays.

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

9 - E02 (Restriction on hours of delivery) (8.00am to 5.00pm on Saturdays)

Reason: To safeguard the amenities of the locality.

**Informatives:**

- 1 - The applicant is advised to contact the Food Safety Team of the Environmental Health Department of Herefordshire Council to ensure the building complies with requirements of the Food Safety Act 1990 and related regulations.
- 2 - The applicant should ensure that sound testing in accordance with Part E of the Building Regulations is undertaken to ensure appropriate levels of sound insulation between the restaurant and adjacent residential properties.
- 3 - N01 - Access for all
- 4 - N08 - Advertisements
- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision: .....

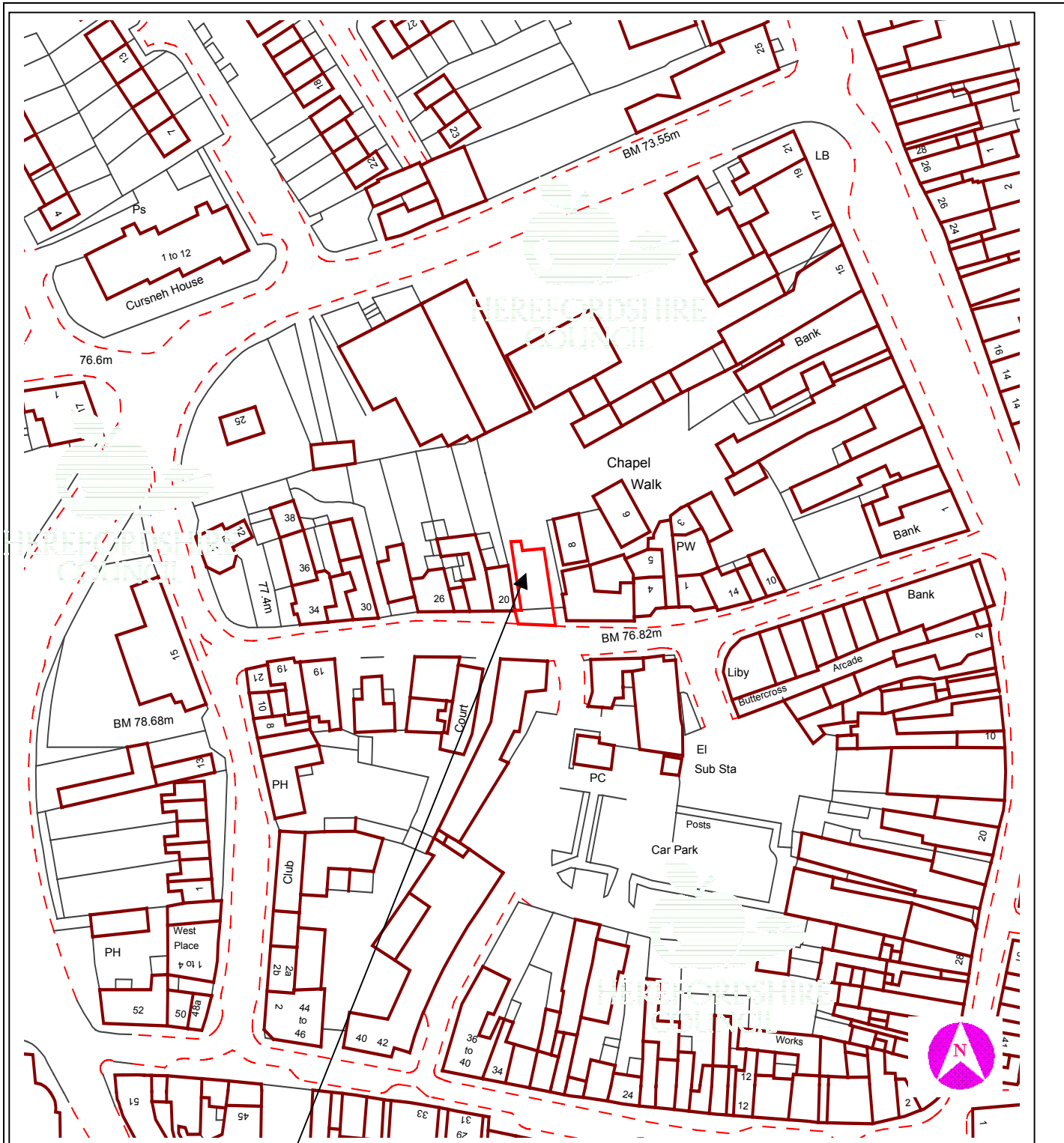
Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNC2005/2480/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 18 Burgess Street, Leominster, Herefordshire, HR6 8DE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



**16 DCNC2005/2498/F - REMOVAL OF OCCUPANCY  
CONDITION (NO 7) REF: 13164 INSPECTOR'S  
DECISION 09 03 1994 ON LAND ADJACENT TO  
FORMER HOP POLE INN, RISBURY, LEOMINSTER**

**For: Mr P Kelsall of Gallop View, Risbury, Leominster,  
HR6 0NQ**

**Date Received:**

**29th July 2005**

**Ward:**

**Hampton Court**

**Grid Ref:**

**55419, 54910**

**Expiry Date:**

**23rd September 2005**

Local Member: Councillor K Grumbley

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

- 1.1 The application site lies on the south side of the C1110 road towards the east end of Risbury. The application relates to two recently erected dwellings currently subject to a planning condition requiring the occupation to be "limited to persons solely or mainly employed, or last employed, in the locality in racehorse training stables, or widow or widower of such persons or to any resident dependants".
- 1.2 Both dwellings are 4-bedroomed detached houses recently erected following approval of reserved matters determined by committee on 1 December last year.

### **2. Policies**

#### **2.1 Leominster District Local Plan**

A44 – Removal of agricultural or forestry occupancy conditions

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

H8 – Agricultural and forestry dwellings and dwellings associated with rural businesses

- 2.3 Planning Policy Statement 7: Sustainable Development in Rural Areas  
Annex A: Agricultural, forestry and other occupational dwellings

### **3. Planning History**

900612 - Site for the erection of 4 cottages for occupation by full-time employers of adjacent racehorse training stables on land adjacent to Hop Pole Inn, Risbury. Subject to occupancy condition tied to adjacent training establishment and a further condition that development not be sold separately from the applicant's horse racing business.

93/164 - Application to remove the 2 conditions referred to above. Refused May 1993. This refusal was subject to an appeal, which was subsequently allowed. The Inspector replaced the strict occupancy condition to the current condition restricting occupation as previously stated in the introduction. Date of Inspector's decision 9 March 94.

94/800 - Application to remove condition imposed by Inspector. Refused February 1995.

Work to secure the permission was commenced and it was accepted that the permission remained extant.

NC2004/3108/RM - Erection of 2 detached houses with garages. Approved by committee 1 December 2004.

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

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 County Land Agent comments as follows:

- 1) It would appear that the houses have never been occupied.
- 2) The Estate Agent's details include plans, not photographs.
- 3) Questions where the properties were advertised and for how much.
- 4) Considers that the price for Ash Tree House should be reduced from 350,000 to 230,000, and from 250,000 to 167,000 for The Conifers. Considers that the 10% reduction is not acceptable and should be 33%.

4.3 Traffic Manager has no objection.

#### **5. Representations**

5.1 Humber Parish Council state: 'The majority of the Parish Council are opposed to this application, seeing no valid reason for removing the long standing condition.'

5.2 Objections have also been received from:

D A and K M Ryall, Butterfield, Risbury  
Mr and Mrs White, New Pentwyn, Risbury  
Mr M Kimberly, The Old Post Office, Risbury

Objections are summarised as follows:

- 1) Circumstances have not changed since the first application.
- 2) These dwellings have been built in view of getting the tie lifted to make a bigger financial gain.
- 3) The current owner has no employees so never required the dwellings for this purpose.
- 4) If permitted, it will open the floodgates to other people to do similar things.
- 5) It is not considered that the dwellings have been offered on the market to encourage prospective purchasers.
- 5) The former Ward Councillor, Mr M Kimberly, was only prepared to support the application originally with the condition tying it to the adjacent racing stables.

- 5.3 In support of the application, the applicant submitted details of the marketing of the properties together with other properties in the area, with prices for comparison, and has commented upon the County Land Agent's observations. He considers that these are made without the benefit of reviewing the planning application file in full, and consequently has misunderstood elements of the proposal.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 Leominster District Local Plan Policy A44 makes reference to removal of agricultural or forestry occupancy conditions but there is no reference to other occupational conditions. Nevertheless, similar consideration should be given which requires the advertising of the property for sale at a price which reflects the market value with the condition attached for a reasonable period of time. The policy also refers to removal of the condition after at least 5 years of its initial occupation.
- 6.2 Policy H7 of the Revised Deposit Draft Unitary Development Plan states:
- 'Applications for the removal of occupancy conditions will only be permitted if it can be demonstrated that the original condition was unreasonably imposed or that there is no longer a current or foreseeable need for the dwelling either on the holding or in the locality and that there has been a genuine and unsuccessful attempt to market the property at a realistic price.'
- 6.3 PPS7, whilst not specifically referring to other occupational conditions, refers to changes which affect the longer term requirement for dwellings and that they should not be kept vacant simply by virtue of planning conditions restricting occupancy which have outlived their usefulness.
- 6.4 To help Members consider the merits of the application, it is necessary to give a brief history of the site, in addition to the list of applications set out in the planning history section. Outline planning permission was originally granted in 1990 for 4 dwellings with all matters reserved for subsequent approval. However, a suggested layout was submitted, not forming part of the application, showing a terrace of 4 dwellings. Notwithstanding the recommendation for refusal, the Planning Committee at the time accepted that there was a need for dwellings for employees of the racing stable on the opposite side of the road who because of their working conditions needed to live close to the site and could not reasonably commute from Leominster, the nearest town.
- 6.5 An attempt by the then applicant to remove the conditions both on occupancy and separate sale, was refused by that Committee in 1993. However, a subsequent appeal allowed a separate sale and amended the occupancy condition from employees of the racing stable on the opposite side of the road to employees in racing locally. Given that the decision was taken that Leominster was too far away as a place to reside the 'locality' in this instance, necessarily assumes a narrower definition than might ordinarily be the case with agricultural dwellings, for instance.

- 6.5 Having set the historical scene, it is now necessary to consider the attempts to market the property with the tie. The properties have been marketed since March this year, originally at a price of £350,000 and £250,000 respectively. In June, the prices were reduced to £315,000 and £220,000. In addition to the information provided by the applicant, the applicant's Estate Agent advises that the open market value of the properties would be £465,000 and £325,000 respectively. A recent evaluation by other agents are of a similar opinion. It would appear therefore that the properties have been marketed at a price reduced by approximately a third to take account of the tie. Details of the properties in the area for sale appear to bear out this conclusion. It would appear that the County Land Agent was unaware of the additional information available when responding.
- 6.6 In addition to considering the marketing that has taken place, it is also necessary to consider whether the conditions were appropriately imposed in the first instance and what the change of circumstances are. The original case was made in 1990 that the accommodation was required for employees of the then applicant, working in the racing stables on the opposite side of the road. The 1993 application to remove that condition was an early indication that there was no longer a need. This is further evidenced by the attempt to remove the less stringent condition imposed by the Inspector at the appeal.
- 6.7 The applicant lives at a property called Gallop View, which is adjoining the racing establishment, and has no employees other than immediately family. A number of calls have been made to the office enquiring about the properties but none from people employed in racing or retired therefrom in the locality.
- 6.8 Consequently, it is considered that there is no continuing useful purpose to be served by the occupancy condition and that it is reasonable for the condition to be removed.

**RECOMMENDATION**

**That planning permission be granted. No conditions.**

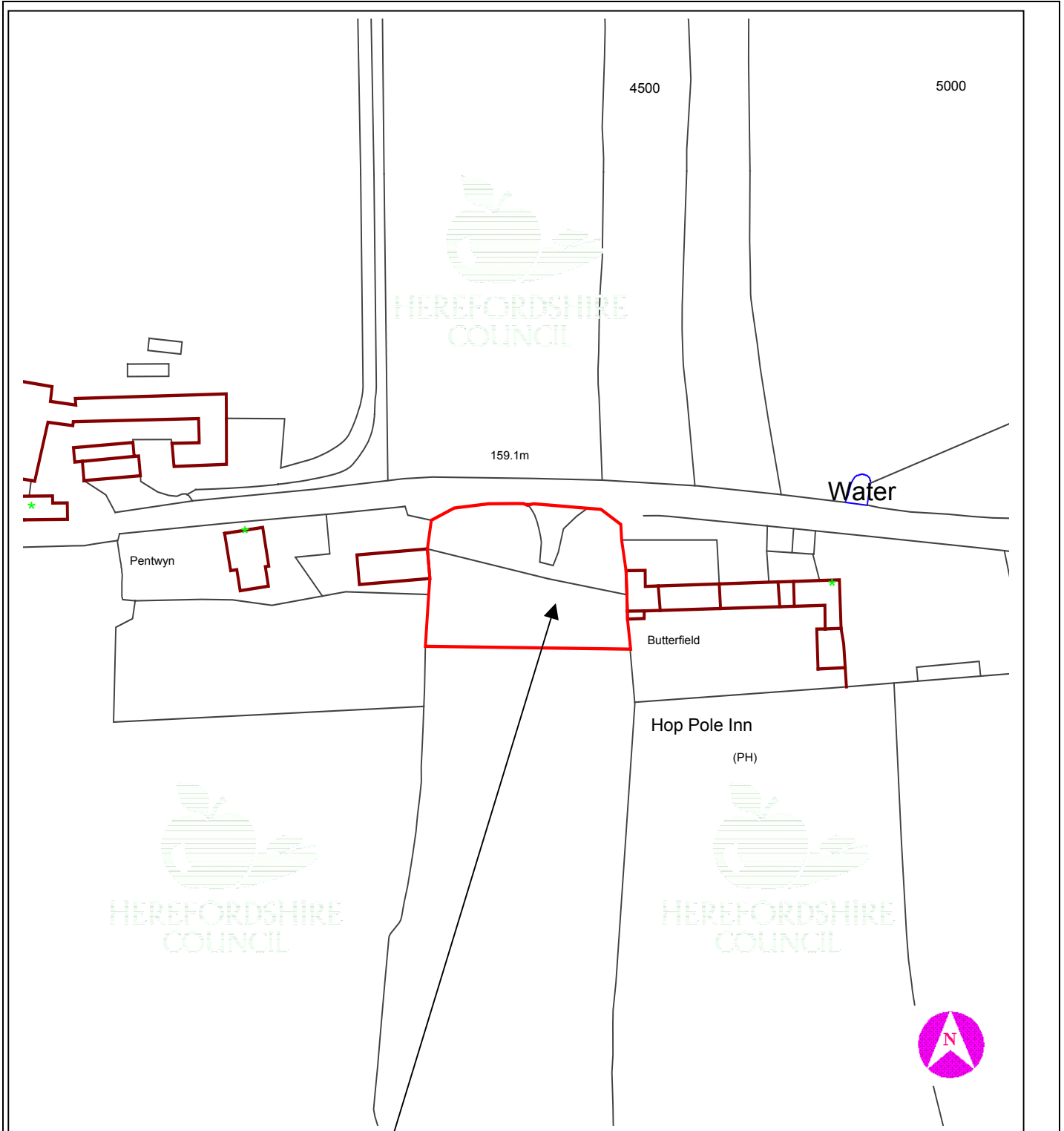
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNC2005/2498/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land adjacent to former Hop Pole Inn, Risbury, Leominster

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005





**17 DCNC2005/2660/F - PROPOSED GARAGE/STORE AT THE HAVEN, FORD BRIDGE, LEOMINSTER. HEREFORDSHIRE. HR6 0PB**

**For: Mr & Mrs T N Jones per Mr D Dickson 101 Etnam Street Leominster Herefordshire HR6 8AF**

**Date Received:**  
12th August 2005

**Ward:**  
Leominster South

**Grid Ref:**  
50929, 54905  
DT/CR

**Expiry Date:**  
7th October 2005

Local Member: Councillors R Burke and J P Thomas

**1. Site Description and Proposal**

- 1.1 The Haven lies on the west side of the B4361 road at Ford Bridge. The proposal is for the erection of a garage/storage building attached to the house. The building is L shape in plan measuring 12 metres in depth and a maximum of 9 metres in width, approximately 1 metre of this width is situated at the rear of the house. The building is required in conjunction with the applicants building business and proposed in replacement of an authorised storage containers adjacent. Its erection would require demolition of the existing lean-to garage.
- 1.2 The building is single storey in height and to be constructed in materials to match The Haven.
- 1.3 The site lies in an area of Great Landscape Value, and is classified as a landscape least resilient to change.

**2. Policies**

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

A.35 – Small Scale New Development for Rural Business Within or Around Settlements

A.24 – Scale and Character of Development

A.9 – Safeguarding the Rural Landscape

**2.2 Hereford and Worcester County Structure Plan**

CTC2 – Areas of Great Landscape Value

CTC9 – Development Requirements

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

E9: Home Based Businesses

E11: Employment in the Smaller Settlements and Open Countryside

LA2: Landscape Character and Areas least Resilient to Change

## 2.4 Supplementary Planning Guidance

Landscape Character Assessment

## 3. Planning History

DCNC2004/4320/F - Proposed garage and store on landscaped grounds.

DCNC2003/3126/F - Retrospective application for change of use from agricultural land to domestic - Approved January 2004.

DCNC2003/2320/F - Retrospective application for alterations to access - Approved September 2003.

DCNC2002/3207/F - Garage/store - Refused January 2003. Subsequent appeal dismissed September 2003.

There is currently a storage container on site subject to a breach condition notice.

## 4. Consultation Summary

### Statutory Consultations

4.1 None required.

### Internal Council Advice

4.2 Traffic Manager: Has no objection to the proposal .

## 5. Representations

5.1 Leominster Town Council recommends refusal as the proposal is out of scale and proportion in relation to the existing property and has the appearance of a commercial building in what is predominately a residential location. Council has found it very difficult to ascertain the scale and site of the proposal from the plans supplied.

5.2 Letter of objection has been received from The Beaumont Family, 2 Marlbrook Cottages, Fordbridge. These relate to the previous reason for refusal on the basis of an Area Of Great Landscape Value and the fact that the container has still not been removed. There is also an issue about adjoining land which is not relevant to this particular application.

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 Whilst the proposed garage/store building is slightly larger than that previously refused and dismissed at appeal, it is now proposed to erect this building adjoining the existing house, rather than in a position clearly well detached from the house. Furthermore it also involves the demolition of an existing lean-to garage on this side of the house. Consequently it is considered that the previous landscape concerns

which form the reason for refusal and the dismissed appeal have been sufficiently addressed to enable officers to support this proposal.

**RECOMMENDATION**

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

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

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

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

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

- 3 - Any business use of the building shall be limited to storage only in association with the applicants' building business. This business storage use shall enure for the benefit of the applicants only. Thereafter the use shall resort to ancillary domestic purposes with no trade or business use.**

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

**Informative:**

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

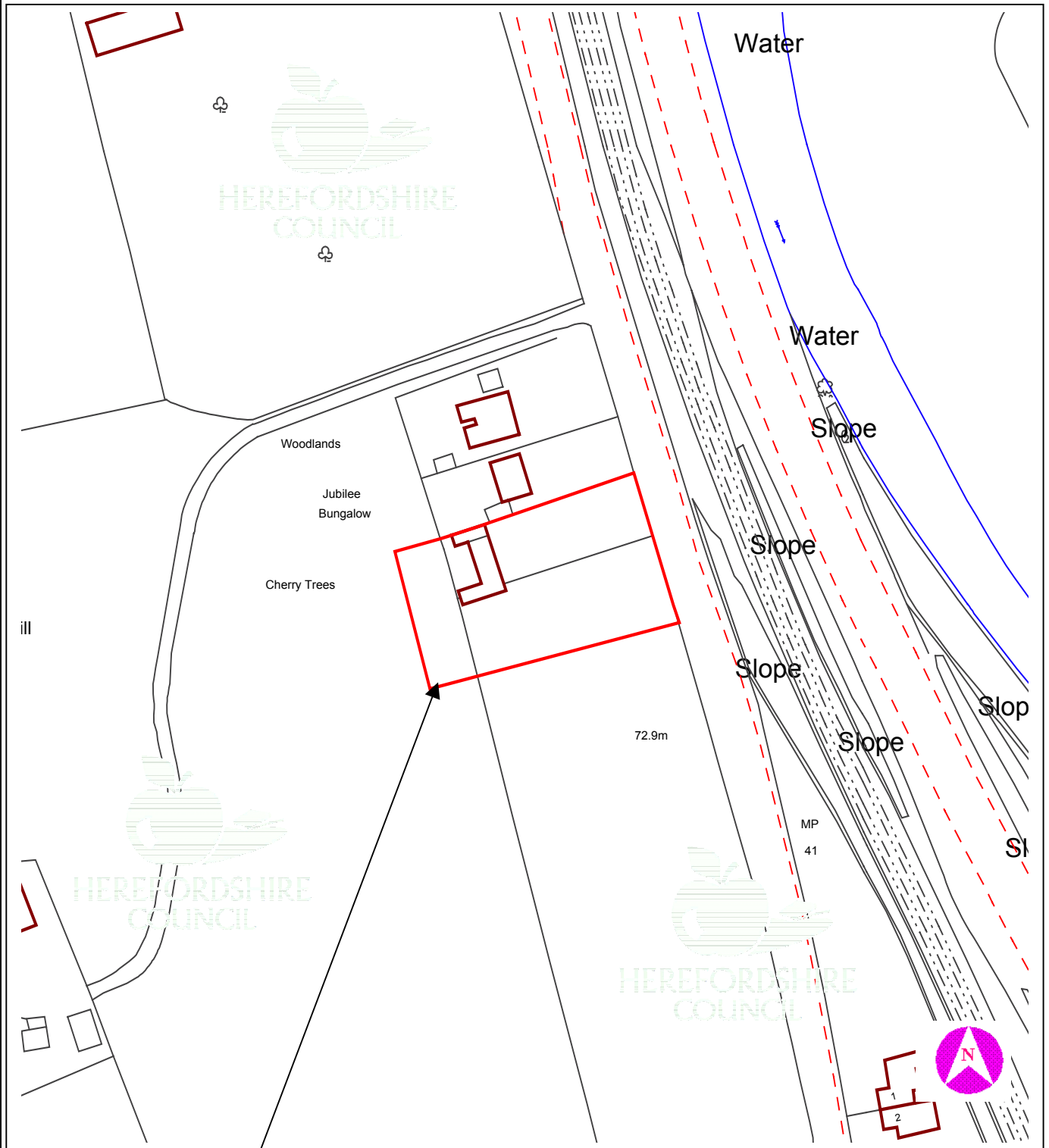
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNC2005/2660/F      **SCALE :** 1 : 1250

**SITE ADDRESS :** The Haven, Ford Bridge, Leominster. Herefordshire. HR6 0PB

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005